

IS THE PRACTICE OF TORTURE
IN
MADRAS,
WITH THE SANCTION OF THE AUTHORITIES
OF LEADENHALL STREET?

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LATE SECOND JUDGE OF THE SUDDR AND FOUZDARRY UDAWLUT OF THE
MADRAS PRESIDENCY.

“ Pudet hæc opprobria et dici potuisse, et non potuisse refelli.”

Westminster :

THOMAS BRETTELL, RUPERT STREET, PATERNOSTER MARKET.

1856.

IN a debate which took place in the House of Commons on the 11th July, 1854, it was charged against the East India Company that torture was practised in the territories subject to their rule, as a means of realising the public revenue; and although the allegation was repudiated by certain Members of the House, who had seats in the direction of the affairs of the East India Company, it was nevertheless deemed necessary that a Commission should be appointed to inquire, and report on the truth or otherwise of the charge. Before, however, the order reached India, the active-minded Governor of the Madras Presidency, Lord Harris, had already convened a Commission of Inquiry, composed of servants of the Local Government, who have since made their Report, which has been laid before Parliament in the ordinary form of a Blue Book.

The following gentlemen composed the Commission:—

Mr. Elliot, the Chief Magistrate of Madras.

Mr. J. Bruce Norton (an English Barrister), the Government Pleader, in the Sudder Court.

Mr. Stokes, a member of the Madras Civil Service.

On the merits of the Report, as a composition, I will offer no remarks; it has been objected to, as the result of an inquiry, held so far from the scene of action that parties complaining have not had access to it. Be this as it may, the Report contains adequate means for a

judgment, as well as for placing the blame on the right shoulders. I will further observe, that although the Report contains no more than is necessary to render it complete, it contains much more than the reader, who enters upon its consideration, with a belief that the entire case is before him, and that nothing has been suppressed, will consider indispensable as a means of forming his judgment. Many statements from being mere repetitions, are calculated to weary, while they do not in all cases point to the real issue. Owing to this it has been suggested to me from having, in the course of my career as a Circuit Judge, brought the subject of torture to the notice of the Madras Government in a Special Report, addressed to it in the year 1840, to make an analysis of the labour of the Commissioners, and to point attention to such parts of their Report, and of the evidence as support the conclusions deducible from it.

This analysis will embrace the following conclusions :—

1. That torture has been tolerated by the Local Government of Madras ; and if not positively encouraged by the authorities, in Leadenhall Street, has been culpably connived at by them.

2. That the use of torture is an ordinary medium of revenue and police administration.

3. That torture is owing in the one case to an assessment beyond the means of the Ryot derivable from his land, in the other to calls upon the native police officer for results beyond the lawful means in his hands to supply. That it is the natural result of combining the office of tax-gatherer with that of police officer.

4. That the practice of torture within the territories under the Madras Presidency is universal, systematic, and habitual ; that it exists in forms the most disgusting and cruel ; that mutilation and death are its frequent results ; and that it has no respect to sex or age.

5. That it was at any time within the power of the local Government to put an end to the practice; that the recent expression of opinion from this country, disseminated, as it has been, by the local Government through the Madras Territories, has virtually put an end to it, by satisfying the native public service and the people that the use of torture is opposed to the views of the Home Government, and will no longer be tolerated.

In the despatch of the Court of Directors addressed to the Madras Government, under date the 12th September, 1855, the Court observe, "with your letter of the 7th June, you have submitted to us the Report of the Commissioners, appointed for the investigation of alleged cases of torture for Revenue and Police purposes under your Presidency, together with your own observations and proceedings consequent on its receipt.

"The inquiry, just concluded, took its rise in assertions made by some Members of the House of Commons in a debate of the 11th July, 1854, which were alleged to be founded on information furnished by official and other persons resident in your Presidency, to the effect that torture was frequently employed by native officers to compel the Ryots to pay the demands of Government. In our revenue despatch, dated 26th July, 1854, we called your attention to these statements, and we directed you to institute the most searching inquiry into the subject, and to furnish us with a full report of the result. Now that we have received that result, before we proceed to consider it, and the remedies which you propose for it, we must express our regret that practices of such a nature as those the report details should have continued, notwithstanding their prevalence having been brought to your notice on several occasions, and especially by the Judge of

“ Circuit of the Centre Division, dated 25th July, 1837,
 “ and that the more stringent measures now in progress
 “ for the suppression of so palpable and odious a
 “ grievance, should have been founded on disclosures
 “ elicited through the exertions of private individuals,
 “ rather than on the information furnished by our own
 “ official servants.” In a subsequent part of the
 despatch, the Court of Directors observe :—

“ The general concurrence of the testimony furnished
 “ to the Commissioners, leaves no doubt on our minds
 “ of the correctness of the conclusion at which they
 “ arrived—viz., ‘ that personal violence, practised by
 “ ‘ the Native Revenue and Police Officials, generally
 “ ‘ prevails throughout this Presidency, both in Revenue
 “ ‘ and Police cases.’

“ The investigations of the Commissioners having
 “ established the wide-spread existence of the evil; the
 “ extraordinary tacit submission to which is stated
 “ by the Commissioners to result from its being mamool,
 “ or customary, and the inadequacy of the law in its
 “ present state to suppress it, we entirely agree in your
 “ view that instant action was required, and that the
 “ matter could not be allowed to slumber.”

Among the remedies proposed in the despatch, are a
 “ larger employment in the provinces of European
 “ agency,” “ augmenting the uncovenanted agency, and
 “ placing it, in point of numbers, emoluments, and
 “ position, on an improved footing ;” “ vesting the
 “ immediate charge of the police in a separate officer,
 “ holding, as a sole and distinct charge, in general
 “ subordination, to the head of the district.”

It does not appear how such a form of separation of
 revenue and police authority can be effectual for the end
 proposed, while the officer of police is still held in
 subordination to the chief of the district, who is a

revenue officer; nor how the evils produced by the union can be extinguished by any separation short of police and revenue establishments, each working with authority limited to its own revenue or police purposes. That the law is inadequate to meet the offence of torture, is an assertion wanting only truth to prove that the Government of Madras is in a state of lawless barbarism. It is not the flesh that is weak, but the spirit that is unwilling to enforce the law.

“ It is the difficulty of obtaining redress which confronts the injured parties.” Again: “ All the inhabitants of the country seem to desire is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them.”

Report of
Commissioners,
page 35.

The union of the two departments of revenue and police in the same person had partly for its object, economy, and the avowed purpose of placing the judicial administration below that of the revenue. Against the opinions of the ablest and most experienced members of the Civil Service, it was effected by Sir Thomas Munro during his sojourn at Madras as Commissioner in 1816, and in the subsequent years of his government.

The officially recorded opinions of Sir Thomas Munro shew that the object of the union was to deprive the inhabitants of the country of a full administration of justice through the courts of law, and to centre all authority, revenue, and police in the collector and magistrate, who was hereafter to be taken from the *élite* of the Civil Service, whilst its inferior members were to be employed in the few courts which, under his pruning hand, were still permitted to continue. Under a system which placed the collection of revenue above the administration of justice, which made the collector

Report of
Commission-
ers, page 41.

judge in his own cause, and deprived the people of the country of an adequate appeal against the extortions of the tax-gatherer, it can excite but little surprise that, after an interval of forty years, confusion should prevail, and that the question should arise at the eleventh hour whether arrangements, fraught with so much evil, should not undergo a change, and the judicial branch of the service be restored to the position which is accorded to it in every civilised country, and by every government which recognises a distinction between justice and violence.

Although a certain degree of candour may be attributed to the confessions, contained in the extracts I have made from the Court's despatch, the reader must not be misled by the admission of the warning contained in the report of the Acting Second Judge of the Centre Division, 1887, to which they refer, and suppose *that* to be the only warning that has reached Leadenhall Street.

The Court of Directors are in possession of every Circuit Report that ever was written by the judges in their service, some of which disclose to the full as much as the Report of the Commissioners; and if the Directors themselves have not perused them, they have been periodically transmitted to Leadenhall Street, and been placed in the hands of the Examiners of Indian Correspondence, by whom they must have been perused: and had the question received its merited attention, the practice of torture would, long ago, have existed only in history. Nor is it credible that practices notorious throughout the country, and of which but few of their civil servants, who have given evidence, pretend to be in ignorance, exercising moreover so important an influence on the happiness and prosperity of the inhabitants, should have escaped the knowledge of the local Government, assisted, as it always is, by two experienced members of

the Civil Service as Councillors, and, through them, of the authorities of Leadenhall Street.

I have said that the Court of Directors are in possession of all the Circuit Reports that were ever written by their judges, and that through them they have had the means of acquiring a knowledge of the subject, even if such of their own body as had served in India as Collectors, or in other offices in the Mofussil, failed to impart it. At the time the Court's despatch was written, the Directors were in possession of a Report written in the year 1840 by myself, when holding the office of Second Judge of Circuit in the Centre Division, with the object of bringing the subject under the special notice of the Government of Madras: and here let me state these Circuit Reports are not mere formal documents—they are called for by an express enactment, Regulation VII, A.D. 1802, of the Criminal Code of Madras, and are intended to exhibit, for the information of the Government, the results of the judicial administration of the country in all its branches, from the highest to the lowest judicatory, during the past half year. If the reader will take the trouble to compare the results disclosed in the Report of the Commissioners of the Madras Government with those which are laid open in the Report of 1840, he will find that the latter has exposed the worst part of the system of torture under the Madras Presidency, in all its details; and that the facts recorded in it, as imperatively called for inquiry as anything since recorded in the Report of the Commissioners of 1855; but if the facts did not suffice, the Report of 1840 expressly appeals for a general "police inquiry as the only medium " through which any practical result can be arrived at." After reciting various acts of cruelty, the Report states: " The police of the country generally is in so bad a state, and the officers belonging to it so demoralized, the

Report of
1840, 89th
paragraph.

Report of
Commission-
ers, page 71.

“ system also is so bad under which the police is paid
“ and the salaries so small, that it is a question enter-
“ tained by many whether parts of the country were not
“ better left to their own resources. I trust I shall not
“ give offence when I say that our system makes
“ robbers. A police officer never leaves head quarters
“ without inflicting some sort of injury on the country
“ through which he passes ; they are often as much
“ dreaded as the robbers they are employed to appre-
“ hend.” Then turn to the evidence of Mr. Mackenzie,
a gentleman many years a resident in the Northern
Circars, and from his experience of the country, and
position as a planter, and agent of one of the first com-
mercial houses of Madras, worthy of all consideration.

Report of
Commission-
ers, page 41.

Mr. Mackenzie says : “ I have no hesitation in stating
“ that the so-called police of the Mofussil is little better
“ than a delusion ; it is a terror to well disposed and
“ peaceable people, none whatever to thieves and rogues,
“ and that if it were abolished entirely, the saving of
“ expense to Government would be great, and property
“ would be not a whit the less secure than it now is.”
The Court of Directors are in possession of another
Circuit Report dated the 18th March 1839, in which
similar sentiments are expressed. “ We may add to
“ this that the whole police is underpaid, notoriously
“ corrupt, and without any of the moral restraint and
“ self-respect which education ordinarily engenders.”

Although we might hesitate to conclude even from the
long inactivity of the Court of Directors, while possessing
a perfect knowledge of the evil now so righteously de-
plored, that they have given a positive encouragement
to it, connivance may be fairly imputed, and the maxim
qui non prohibet cum prohibere potest jubet, exhibits
the smallest amount of their guilt. It would be a work
of supererogation to exhibit the proofs that torture has

existed with the knowledge of the local Government, equally so that it was in their power to prevent it, with the experience before us of the results of the publicity recently given to the views of the Government.

Mr. Minchin says, " I believe that from the day
 " that the real views of Government on this subject
 " were thus generally made known, a revolution may be
 " said to have taken place, and I am confident that not
 " an instance of personal ill-usage for the sake of
 " collecting revenue has since occurred."

Odious as the practice is, whether in revenue or police, and systematic as it has been in both, the atrocities and cruelties which have marked its course have been much confined to police operations, these have
 extended to paralyse the administration of justice, besides
 inflicting an indelible stain on the East India Company, which, insensible to the disgrace, and setting at nought the advice and intelligence of its own servants, could not be roused into action until stimulated by the desultory remarks of a few members of the House of Commons, founded on hearsay evidence, picked up without the doors of Parliaments.

Torture is spoken of by the witnesses as an ordinary and necessary means of Government.

" The first thing that opened my eyes was, the
 " undisguised apprehension, on the part of all the
 " superior native officers, of the great decrease in
 " the collections that would ensue on the thorough
 " carrying out of the principles laid down in the minutes
 " of consultation."

Mr. Maltby, another member of the Civil Service,
 holds that, " the practice of torture in revenue affairs
 " could not be put down as long as the Government
 " maintained an excessive rate of assessment, and as
 " long as they underpaid their native servants."

Report of
Commission-
ers, page 89.

Mr. Crozier states, " The idea of its being tolerated
" by the Government or its European officers is so far
" prevalent that a belief is expressed that any complaint
" made of torture inflicted for the non-payment of kist
" would not be attended to."

Report of
Commission-
ers, page 107.

Mr. Bourdillon, one of the ablest members of the
Civil Service, says, " The practice in question might
" have entirely ceased by this time, but for the exorbitant
" demand on the land."

Report of
Commission-
ers, pages 119
and 120.

Mr. Fischer, a gentleman who for many years has
resided among the people, and held large tracts of land
as a Zemindar, well versed in the native character and
languages, and in the revenue and judicial administration
of the Madras Presidency, says, " I do think that a
" tacit connivance in, and tolerance of, such acts, by the
" Government and its European officers, is generally
" entertained by the entire community." Again,—“ I
" am no less certain that, under existing circumstances,
" the revenue of the country could not be levied to its
" full extent without it."

" Due allowance will have to be made towards the
" native officials for the inevitable first results of the
" abolition of torture, viz., a diminished amount and
" less prompt collection of the revenue, and a slower
" and more imperfect detection of crime than even
" exists at present."

With such testimony to refer to, and with the fact
before us, that the local Governments of India are, at all
times, assisted by two of the most experienced members
of the Civil Service, that the Court of Directors of the
East India Company is, and always has been, replenished
by the influx of such men among them, is it possible to
doubt their complicity? is it possible to deny, that the
auri sacra fames has had a greater influence than the
calls of humanity; that they have shown a greater desire

to maintain the standard of revenue and their own position, than to support the standard and character of good and moral government? That torture can be regarded as the mamool of the country and thence derive its sanction, is rather too much for a Christian Government to plead, when we find it employed in revenue affairs, to collect an oppressive land-tax, in police operations as a substitute for the legitimate means indispensable for success. In Canara and Malabar, where the assessment is moderate compared with that of other districts, revenue collections are made without recourse to violence :—" In Report of
 " making the above sweeping declaration—of our belief Commission-
 " in the general existence of torture for revenue pur- ers, page 31.
 " poses—we think it right to draw a marked distinction
 " in favour of two provinces in particular, Canara and
 " Malabar." In districts where the natural means of the
 police are in vigour—viz., the co-operation of the inha-
 bitants with the village police—it is seldom resorted to
 for the discovery of crime. Under a system which placed
 the collection of revenue above the security of person
 and property, this real and efficient police force of the
 country has faded away; and the principal inhabitants
 subjected to an insolent and half-starved body of police
 officers, radiating from the collector, as a central power,
 have withdrawn their co-operation. Heads of district
 police have thence been obliged to trust to their own
 resources, and to appeal to torture, and other means
 equally objectionable, in order to satisfy their superiors.
 Mr. Mathison, one of the ablest and most practical mem-
 bers of the Civil Service, says, " The practice of torture Report of
 " is more or less prevalent, in proportion to the pressure Commission-
 " exerted upon the native officials, to discover and bring ers, page 110.
 " criminals to punishment, either by the magistrate him-
 " self, of his own accord, or in consequence of animad-
 " versions upon the prevalence of crime, and the want

“ of success in detecting offenders made by the higher
“ authorities.”

Acting 2nd
Judge's Report
of 1840.

“ The native police officers are placed in a very difficult position; they are expected to trace out the perpetrators of crime with a very insufficient agency; and the people themselves, by whom the only effectual aid can be given, certainly endeavour almost always to withhold information, rather than to give it.” “ The same test of merit which has been assigned to tahsildars (the head district police officers) has been assigned to magistrates, and the same unwholesome stimulus more or less actuates both.” Mr. Brett, the magistrate of Salem, says, “ the motive which prompts a native to use torture, for the purpose either of extorting a confession or of collecting the revenue, is the hope that, by resorting secretly to such means, he may obtain a character of general activity and efficiency in the discharge of his duties.”

Acting 2nd
Judge's Report
of 1840, para.
69.

“ Heads of police usually look to confessions as the means of satisfying their superiors. Well aware of the difficulty of tracing out an offender by fair evidence, with the scanty means at their command, they have recourse to any expedient, rather than incur the risk of being unable to satisfy men (as to the causes of failure) who are often incompetent to judge of them, and seldom disposed to listen to them.” To obtain a confession, the crimination of an accomplice, or the discovery of the place of deposit of stolen property, crimes at which humanity shudders, are frequent and matters of

Acting 2nd
Judge's Report
of 1840.

course:—“ There is no degree of guilt which a police officer will hesitate to incur, where the object is to convict; even in cases of murder they will not scruple to promise pardon, in order to entrap prisoners into

Commissioners' Report
of 1855.

“ confessions.” “ The head of police of Pittapoor was convicted of having caused certain parties to be beaten

“ and tortured, in order to compel them to criminate the
 “ prisoners in a murder case then under trial.” Mr.
 Anderson, the judge of Mangalore, says : “ There appears
 “ to be a general opinion that the use of torture is abso- Commission-
 ers’ Report,
 page 100.
 “ lutely necessary for the discovery of offenders and
 “ stolen property.”

Mr. Saalfelt, many years a resident of Cuddapah, says :

“ The police establishment has become the bane and Page 42, Com-
 missioners’
 Report.
 “ pest of society, the terror of the community, and the
 “ origin of half the misery and discontent that exist
 “ among the subjects of government. Corruption and
 “ bribery reign paramount throughout the whole esta-
 “ blishment—violence, torture, and cruelty are the chief
 “ instruments for detecting crime, implicating innocence,
 “ or extorting money. Robberies are daily and nightly
 “ committed, and not unfrequently with their conni-
 “ vance.” “ Had the magistrate charged the police with
 “ being in league with robbers, he would have been
 “ more correct: the impression on my mind is, that Report of 1840.
 “ almost throughout the district this is the case, and until
 “ a most scrutinizing inquiry takes place, improvement is
 “ utterly hopeless.” “ The evidence of a police officer
 “ carries so little weight with it, that in any case in
 “ which he has been concerned, he is virtually placed on Report, 18th
 March, 1839.
 “ his own trial, his success is assumed to have resulted
 “ from foul means.” Again : “ The standard and cha-
 “ racter of the servants appointed as guardians over the
 “ lives and general interests of the community are so
 “ low, that they cannot appear in a court of justice on
 “ an equal footing with the rest of the inhabitants of the
 “ country.”

Mr. Saalfelt says that torture in revenue is not resorted
 to in Cuddapah ; that the people owe their exemption
 from it “ not to the humanity of the authorities,” but to Commission-
 ers’ Report,
 page 94.
 the favourable circumstances of the district, as to culti-

vation, "which deprive the local authorities of the
"slightest pretext for ill usage."

The obstructions to justice, arising out of the practice of torture, are not more deserving consideration than the frauds which are practised by the police on innocent parties, who, often on vague suspicion, are apprehended and accused, and afterwards induced to make confessions to the worst crimes, an instance of which occurred at Bellary, where seven men were condemned on a confession of murder, recorded by the joint magistrate, and nearly lost their lives, for a crime proved to have been committed by five others, who suffered the punishment of death for it. "Innocence is no security against ill-usage, while the ill-treatment which falls on the innocent screens the guilty from punishment, and gives encouragement to future crime. The evil is a foul stain on our administration, and no pains can be accounted too great to remove it."

Acting 2nd
Judge's Report
of 1840.

Commis-
sioners' Report
of 1855.

"In 1845, the Nedinganana Sheristadar was punished on the charge of having, by ill-usage, forced a man to confess to a murder, which it was subsequently proved he was not guilty of."

Report of
1840.

In the report of 1840, to which I have so frequently referred, it is recommended that native police officers should no longer be permitted to record the confessions of accused parties, and orders have been lately sent to India in concurrence with this advice, but whether owing to it I will not venture to say, though I am able to assert that the report has reached some of the directors. "I do not argue abstractedly against tahsildars holding the power of recording confessions. I assert that there is not a concurrence of circumstances which justifies the existence of the power at the present time." "The police of the country is every day becoming more inefficient and more vicious." "The

Report of
1840.

“ first step to police efficiency would be to throw the
 “ tahsildars on their own resources, and when they
 “ are inadequate to assist them, to make them trust to
 “ the proofs which result from inquiry, to take away
 “ from them the temptation which which arises out of
 “ the power to take confessions, and at the same time to
 “ remove one of the greatest promoters of indolence and
 “ inactivity.” The commissioners in their report say, Commissioners' Report, page 43.
 “ the officers of police would soon lose the slovenly
 “ habit of thinking they had done all that justice re-
 “ quires in resting their proof upon confessions. They
 “ would become vigilant and acute in tracing out the
 “ circumstantial evidences of guilt which cannot lie.”
 “ A tahsildar says, with some reason, I have fixed on Report of 1840.
 “ the offender for the man confesses; what more is
 “ required of me? From that instant all inquiry
 “ ceases.” In a preceding page I have said that the
 report of the Commissioners of 1855 discloses no more
 than my own of 1840. I might rest the assertion on
 the extracts which I have made from each and placed in
 juxta position.

The modes of torture in Madras are the kittee, “ an
 “ instrument applied to the fingers, causing excruciating
 “ pain.” “ The anunthal, bending the body towards
 “ the feet, putting a heavy stone on the back, and
 “ exposure to the sun.” “ Putting pepper and chillies
 “ in the eyes, and inserting certain substances in the
 “ private parts of both sexes.” “ Twisting women's Commissioners' Report.
 “ breasts.” “ Fastening in a cocoa-nut shell upon the
 “ navel the poollay insect, causing great torment.
 “ Squeezing the testicles, nipping the flesh with pincers,
 “ searing with hot irons, dipping people in wells till
 “ they are half suffocated; these cruelties and others
 “ producing permanent injury and loss of limbs, are
 “ occasionally persevered in till death ensues.” “ A

Report of
1840.

“ prisoner came before me at Cudalore, with the loss
“ of his arm, near the shoulder, arising from maltreat-
“ ment; the arm was amputated after he reached the
“ court.” “ In another case, two prisoners appeared
“ with their bodies branded, the sores still fresh.”

It would be as unnecessary to exhibit further proofs of the object and use of torture by the police and revenue authorities of Madras, as to point to further instances of its application. Let it suffice, that torture is shewn to be a part of the system of government, known and acknowledged, as an engine for realising the public revenue, and so fixed in police operations, “that its
“ employment by the police is as regular and habitual
“ as any other part of their duties.”

Report of
1840.

In forming an estimate of the guilt which attaches to the practice, we must not limit our consideration.

To the pain inflicted on a few individuals of a large population, scattered over a still larger area; nor must we conclude, when looking for a remedy, that the measures of inquiry recently adopted by the Court of Directors, will produce more than a very evanescent result, while the causes of the evil are permitted to continue. As long as there is an oppressive land-tax, which the public service find their only security, in collecting, as long as the apathy which reigns in Leadenhall Street is allowed to pass unpunished and unreprieved by public opinion, as long as the native police are held accountable for crimes, and denied the lawful means necessary for their repression, it is in vain to look for any permanent amendment. “ Fair or foul, tahsildars
“ must acquit themselves of the duties for which they
“ stand appointed. They see that success is the test of
“ merit, while little regard is had to the means by which
“ success is attained,—the same test of merit which has
“ been assigned to tahsildars has been assigned to

Report of
1840.

“ magistrates, and the same unwholesome stimulus, more
 “ or less, actuates both.”

When it is considered that the arguments used by the Commissioners in 1855 were placed before the Court of Directors in 1840, with the same facts to rely upon, with a suggestion of the same remedies,—that one and both exhibit a state of things, not merely disgraceful to the East India Company as the party immediately responsible for good government, but to the character of the British nation, which entrusted interests so important to their keeping, the question naturally occurs, whether a rule should be continued which, in neglect of the true objects of Government, viz. the welfare and happiness of the people, has concentrated all its energies on the collection of a land tax grievous to be borne, and permitted, without inquiry and without question, a system of cruelty which even the former rulers of India never carried to the same extreme. Former rulers oppressed the rich, our rule oppresses the poor and needy.

Torture in revenue and police depend on each other; there would be no torture in revenue if there were an independent police to appeal to; there would be none in police if there were a magistrate, unfettered by revenue relations, to appeal to. “In Masulipatam Commissioners’ Report, 219.
 “ and other districts forcible measures prevail in realising
 “ the public revenue. It is known that in Madras the
 “ case is entirely different,—the revenue officers here
 “ are in fear of the police.” If it should be asked whence the Collectorate of Madras is thus favourably distinguished from other provinces, the answer is, that Madras is a Collectorate for revenue purposes only, and, unlike every other district, its revenue-chief is not clad with police and magisterial authority,—where a magistrate is lord of all in his district—in his revenue

capacity, competent, under the law, to adjudicate offences connected with revenue concerns,—in his magisterial capacity directing the operations of the police, and competent to adjudicate the offences which arise out of their proceedings; his own office, and the success of its administration, being interwoven with both, it is plain that the people have to trust for protection, to an authority between themselves and the public service, whose impartiality is compromised by his relations with the latter. Every charge against the Collector's servants, whether in revenue or police, is heard in the first instance, by the collector or his assistants. The regulations of the Madras code, place power in the hands of the collector in both capacities, to deal with all but the most aggravated cases, and few can arise in which he is not in some degree a judge in his own cause, and interested so far as the repute of his office is concerned in the result. The Commissioners say, "In police cases, it cannot be doubted that a better paid, better organized police, separated altogether from ordinary revenue duties, placed under European officers, and commanded by an intelligent superintendent, immediately responsible to Government, for the peace of the whole district would in a very short time interpose an effectual check to the resort to torture to elicit confessions."

Page 42.

To assert that torture is an heir-loom of former dynasties, the mamool of the country, and so forth, is simply to reduce our rule to the level of former dynasties, and to confess that our high-sounding pretensions as Christian governors have made no impression on the people. If in the last 70 years, during which India may be said to have had the form and organization of a civilized government without its civilization, we have been unable to pass the boundary of former misrule, if we have limited our aspirations of government to the

character of a remorseless tax-gatherer, laying waste the dwellings of the poor by our exactions, we have but followed the philosophy of the Pagan,—

— *Querenda pecunia primum*
Virtus post nummos.

And the maxim sarcastically addressed to Pagans, in a former and remote age, might with equal truth and sarcasm be addressed to ourselves. It may be fairly and safely concluded that the practices which the Court of Directors now denounce as “odious,” and which, after a slumber of fifteen years, with so much righteous indignation, they now deplore, would have existed unchecked to the present moment, if they had not felt the ground shake from under them, at the threatening voice of Parliament, which has long proved itself the only source of improvement, and the only source of redress, for Indian tyranny and Indian wrongs.

FINIS.

To STREENAVASSA Row,
Tahsildar of Peria Pollium.

The arzee (petition) sent by you on the second instant, and its enclosures, have been received.

You have left the whole of the loom-tax, amounting to rupees 212 : 8, due on the Rallapoody village of your tarlook uncollected ; but you write that the village Monsiff and Puttamaneyagar not only cause the weavers not to pay the amount due by them, but has not paid the sum which he owes himself. You also write that the said Monsiff states that the amount of 15 rupees, which is alleged to have been collected, was not paid into the treasury, but returned by him to the parties who gave it. You therefore recommend that he should be dismissed and the property of the weavers distrained.

If the berez amount of loom-tax is due, you must from time to time only have made inquiries, and collected it, without doing so you have been careless about it, until the close of the fusly, and now write as mentioned above. On seeing your statement it appears that you did not account it your duty to realise the amount, but that you wrote it thinking that if you throw the blame on some officers you would be freed from your responsibility. By this your carelessness becomes quite evident. As soon as you receive this tarkeed (order) you must go in person to the said village and collect the whole of the loom-tax, without leaving any part whatever unrealised, and report the same. If you do not collect it, as directed above, a severe order will be issued against you. After your report that you have collected it, orders will be sent as to the dismissal of the village Monsiff.

(Signed) C. J. SHUBRICK,
Collector.

July 5th, 1855.

To the Collector of Chengleput.

The humble Petition of the undersigned Weavers of
the Coommara Pettah of the Periapalem
Talook, in the Zillah of Chengleput.

Humbly sheweth,—

That the subject of their Petition is such as to require your mature deliberation, and deserving of the redress for which they now pray. The subject of torture is one which has excited so much attention lately as to call for a special commission to investigate it. Notwithstanding, it is still resorted to, to enforce a demand which, your Petitioners submit, is not just.

Before the expiration of Fusly 1264, which came to a termination on the 30th June last, the tahsildar, zillahdar, peons, &c., whose duty it is to collect the revenues, came to your Petitioners and demanded the payment of the kist. But on that occasion, though your Petitioners pleaded poverty, the Circar servants above-named pressed them so much as to extort from them bribes, on which consideration they allowed your Petitioners a short respite. Your Petitioners believed that the respite would continue sufficiently long to enable them to procure the necessary amount to meet the demand against them; but on the 27th ultimo, the tahsildar of the Periapalem Talook sent eight peons to bring your Petitioners to his presence. Fourteen of them arrived at their destination on Friday morning at about eight o'clock, when they were abused and otherwise maltreated. They were made to stand the whole day exposed to a burning hot sun. You are aware of the excessive heat which prevailed lately, even within doors. You can easily judge, therefore, what their pains must have been while exposed to the sun. Their thighs were pinched in a most painful manner,—they were made to stoop down, and, while in that posture, they had to

bear the weight of one man on the back of each. Some of them were knocked down upon a dunghill hard by, and they were designedly besmeared all over with cow-dung, which emitted a most offensive *smell*, very distressing to bear. All this and many other modes of annoyance they had to suffer from early in the morning till ten o'clock in the night, all which time they were made to starve, denying them even a drink of water to slake their thirst. When their meals were brought to them, they allowed them at ten o'clock in the night to eat, but for that purpose they assigned them a place which is used as a privy! They remonstrated long and earnestly, and they were at last allowed to go away under the surveillance of peons. The following day being Saturday, the 28th ultimo, the tahsildar took them to their own village, and bringing with him a great many people to assist and defend him, repeated the same outrages upon them, but with greater cruelty and malice. At this time, so great were their sufferings, that one man, compassionating the pitiful state of bodily and mental anguish to which the unfeeling and fiend-like tahsildar had reduced them, voluntarily offered to pay the money claimed; but of course the honest tahsildar rejected the offer with indignation and scorn, and got him turned out of his presence. The little money which they had had been taken from them, taxing them with the payment of batta to the tahsildar and his *myrmidons* during the days they were engaged in all the sharp practices above described, thought but in part.

Under these circumstances, as they really have no money, and it is not possible to draw blood out of stone by any process short of a miracle, your Petitioners humbly and earnestly solicit that they may be allowed a reasonable time to pay their dues, and be mercifully secured from the clutches of the tahsildar and his assistants. So great was the cruelty they endured that many of them are suffering

till the present day, and unable to stir from their houses. They are suffering, besides from the want of the means of support, being separated from their families and other sources of assistance. Many have even left the village and absconded, and it is highly questionable if they will ever return. They, therefore, beg that they be allowed a short respite till they are capable of finding the wherewithal to satisfy the kist.

For which act of benevolence,
Your petitioners, as in duty bound,
Shall ever pray,

(Signed) NAUPA VEERASAWMY CHETTY.
NAUPA MOONEAPPAH CHETTY.
NAUPA CALAPPAH CHETTY.
ROOTHEVY RAGAVOOLLOO CHETTY.
NOONNA CHOUDAPPAH CHETTY
YERRA SOOBEE CHETTY.
P. GOOROOVAPPEN.
C. VAMOOLOO.

1st August, 1855.

Evidence taken before the Magistrate of Chengleput.

I, Choudappah of Rallapady, son of Chengulva Chetty, make the statements about the complaint brought against the tahsildar on behalf of myself and five others named Ragavah Chetty, &c.

[Sworn according to the Act.]

Q. State the particulars of the complaint preferred against the Tahsildar of Pariapollium by you and some others?

A. In the month of Audee, the date I do not recollect, on a Friday the peon, named Moonesawmy, and the Duffadar Mookoondoo Naick; these men came to our village and carried us to the Tahsildar Stroenevassa Row in Pariapollium, stating that he wanted us. The persons

who thus went to this tahsildar are Vencatasem, Nappa Gooroovappen, Nappa Moonesawmy, Bathuley Chengleroyen, Nappa Potty Chetty, Nappa Pitchée Chetty, Nappa Veerasawmy Chetty, Erra Soobbee Chetty, Cotton Vamooloo, Vencatasawmy, Veeramoosty Moottoo, Nappa Gooroovappen, and myself. These are the persons who went to the tahsildar. As soon as we went there he asked us to pay the loom tax. We answered that we would pay 50 rupees; but he stated that we should pay half the amount due by the village, which was 100 rupees and odd. We replied that we could not do so, when the tahsildar ordered us to be forced down stooping in the sun. It was then about 8 o'clock in the morning. The peon, named Moonesawmy, and Mookoondoo Naick (Duffadar) came and stooped us down in the street opposite the Chetty's Choultry in Periapollum. On that day we remained in that stooping posture till 8 o'clock P.M. He did not leave us even for our meals. When we asked him permission to go to our meals he told us to pay the money and go. He sent us at 10 o'clock to take our food; but after we ate we remained under a guard in the Cutcherry. On the following morning he took us down to Rallapady, and made us stand in the sun before the house of the Moonsiff, and at about 4 o'clock P.M. ordered the peons to pinch us on the thighs; when the peon Mookoondoo Naick laid hold of my two hands, a Moosulman peon, whose name I do not know, pinched me on my thighs, another Moonesawmy Naick gave me a blow on the neck. These and some other peons, whose names I do not know, did as stated above. Afterwards he dismissed us, the money having been paid. None of us wounded.

Q. Where did you then get the money to pay him?

A. The females of the house could not look at our sufferings, so they sold some of the articles in the house and mortgaged others, and brought us the money which we paid.

Q. What did the peon Adam Khan do ?

A. He maltreated Soobboo Chetty.

The mark of Choudappen.

Solemnly affirmed before me this 23rd of August, 1855.

(Signed) C. J. SHUBRICK.

Evidence taken before the Magistrate of Chengleput.

Deposition given by me, witness Vencatachellum Chetty, son of Angoo Chetty, residing in Mungalum ; age, about 40 years, of the Chetty caste and Vishnool religion ; means of living, trading and cultivating.

[Sworn according to Act.]

Q. The persons named Choudappen and others, now before the Court, have brought a complaint against the Tahsildar of Periapollium as having maltreated them. State what you know in that matter ?

A. About a month ago, that is, some time in last month, I went to Rallapady, to the house of one Gooroovappah Chetty, opposite the Moonsiff Gooroovappah Chetty's. Then the wife of this Gooroovappah Chetty (not Moonsiff's) asked me to borrow for her some money, anywhere, as her son was being maltreated. But as I said I had no money to lend her, she gave me a jewel, which I mortgaged with somebody, and borrowed 7 rupees thereon for her. That sum she sent to the Circar official, by her son Chengleroy, and got him released. Besides this, some females of that village came to me, and complained that their husbands were maltreated, requested me to lend some money to pay the arrears. I went and saw the tahsildar hold his Cutcherry on the street pyal of the Moonsiff's house, and stoop down the complainant, &c. before him. I also saw the peons beating those who would not bend down. I do not know their names. They are not here. Complainants

and others also were not allowed to their food. I did not see the peons here beat them. I went to the Curnum Palayathan Pillay and told him that I will pledge a golden ornament on behalf of those for whom I agree to pay, and pay the money in three days. The said Curnum and Adam Sail, a peon, reported it to the tahsildar, who ordered me to go away. After this I came to take my food, when the tahsildar, having returned from his meals, commanded the peons to pinch the complainants on their thighs. Accordingly, three or four peons joined together, two peons pinched them on their thighs; one peon laid hold of the hand, a fourth one used to give blows on the neck, and press it down so oppressed. Their names I do not know; they are not here. Owing to these oppressions, they (relations of the oppressed) sold some of their articles, and mortgaged others, and paid off the arrears; afterwards they were released; the village Moonsiff used to walk about here and there. The peon Moonesawmy (here he shewed him), jointly with other peons, were afflicting complainants and others, who were not sent to their meals until evening.

The tahsildar has no questions.

(Signed) CHUCCUR VENCATACHELLUM CHETTY.

Solemnly affirmed before me this 23rd of August, 1855.

(Signed) C. J. SHUBRICK.

Evidence taken before the Magistrate of Chengleput.

Deposition of the witness, Vencatasawmy, son of Nineappen, residing at Coommerpettah, age about 40 years, caste Mootteraja, religion Vishnoo, means of living, husbandry.

[Sworn according to the Act.]

Q. These persons, named Choudappen, and others, now before the Court, have brought a complaint against the

Tahsildar of Periapollium as having maltreated them. State what you know in that matter.

A. The month and date of the week I do not recollect, but some ten days ago, a little before the noon-time, there was a loud noise at the house of the Moonsiff Nappa Gooroovappah Chetty, a short distance from my house, on the opposite side. I saw the thing from my street pyal. The tahsildar was holding his Cutcherry on the street pyal of the Moonsiff's house. More than ten persons were stooped down some ten yards off the house, in the open street, in the burning sun. I could not recognise them (all), but, of those persons, I found Soobboo Chetty and Ragavah Chetty, who are now before the Court, in a stooping posture. Each of those two men was pinched on the thighs by two peons. They cried out Iyo, iyo ! I do not know who the peons that pinched them are. I did not see other peons maltreated them in the manner stated above. I went away. I did not hear the tahsildar order the peons to do so. At that time many females, and many children, were looking at it. I did not see the Moonsiff Gooroovappah Chetty there at that time.

No questions to be put by the tahsildar.

(Mark of Vencatasawmy.)

Solemnly affirmed before me this 23rd of August, 1855.

(Signed) C. J. SHUBRICK.

Evidence taken before the Magistrate of Chengleput.

Deposition given by me, witness Condon, son of Andy-appen, residing in Rallapady, age about 30, caste Poligar, religion Vishnoo, profession that of a peon.

[Sworn according to Act.]

Q. These persons, Choudappen and others, now before the Court have made a complaint against the Tahsildar of Periapollium that he maltreated them on account of the Circar dues. State the facts you know in that matter ?

A. About 20 days ago, I and another Venkiah Chetty went at six o'clock in the morning to the house of one Gooroovappah Chetty, situate opposite the Moonsiff Gooroovappah Chetty at Rallapady, for the purpose of collecting some money due there. At that time the tahsildar of Pareapollium was holding his Cutcherry on the street pyal of the Moonsiff's house. Choudappah and others now before the Court were stooped down. Besides these peons Moonesawmy and Mookoondoo, who were with the complainants, &c., there were also other peons whose names I do not know, but they were these (producing men before the tahsildar). At that time the wife of Gooroovappen, of the house we went to named Veeramall, stating that her son also was being maltreated for arrears of tax, gave into our hands a rettagoondoo, and asked us to borrow some money thereon. Venkiah received it, went to the tahsildar and asked him to release them, telling that in three days he would pay the money to those who may stand for them, and handed over him the said jewel for that purpose as a security, but the tahsildar stating that he was not merchant told me to go way. The said persons were kept in the same posture till noon, in which he, the tahsildar, while going to his meals, left them. Again the tahsildar returned after his dinner, and kept them in the same position, and ordered his peons to pinch them in their thighs. The peon Moonesawmy and Mookoondoo Naick these two persons pinched the three men named Soobboo Chetty, Ragavah Chetty, and Choudappah Chetty, each laying hold of one thigh. After they had consented to pay it they put a stop to so doing. I did not see the peons pinch other men. After they had all paid the money they were dismissed. The Moonsiff Gooroovappah Chetty was then with tahsildar.

Tahsildar had no questions.

Mark of Condon.

Solemnly affirmed before me this 23rd of August, 1855.

(Signed) C. J. SHUBRICK.

To C. J. Shubrick, Esq., Magistrate of Chengleput.

The humble urzee of P. Streenevassa Row, Tahsildar
of Pariapollium, written on the 24th August,
1855, from Sydapett.

I was taken by surprise when I saw the takeed (order), dated the 17th instant. As to the contents of the takeed I hereinunder beg to reply. On seeing it your honour will know the matters clearly.

In this village of Rallapady of this Talook, the amount of the loom tax Moturpha, which stood due for the fusly 1264, was rupees 200 and odd. I at various times in the said fusly and afterwards demanded them in person to pay the money, and sent takeeds to the zilladar and the peon to the same effect. Notwithstanding this the fusly 64 passed, and one month elapsed after the commencement of the 1265 fusly, and yet they rudely stated they would pay. Thus they having failed to pay in due time, the said zilladar was served with a takeed; when he with the peon proceeded and demanded the money due, to which the debtors said they would pay 50 rupees, and of that 50, 30 rupees was now ready money. On this the zilladar ordered the Moonsiff Pattamaniem Nappa Gooroovappah Chetty to collect the remaining sum and remit it to the Cutcherry. But the zilladar afterwards wrote a report telling that the said Puttamaniem appropriated the said money to his own purposes and did not remit, and that thus matters should be enquired into, and punishment inflicted on him.

On this I went to Pariapollium and sent for the said Moonsiff Puttamanyem Gooroovappa Chetty and some other debtors and inquired into the matter, took their depositions, and reported the same to your honour in an urzee dated the 2nd June. In the said urzee I wrote that an order may be issued to punish the Moonsiff who took away 30 rupees collected, and destrain the property of the debtors. In reply to this, an order, No. 6, was issued on

the 5th July, 1855, by the collector requiring me to go to the village and collect the same, and stating that order will be subsequently sent as to his dismissal. In accordance with that order I went to the Pariapollium village on the 27th July, and sent for the weavers who were in debt from Rallapady, which was very near to it, and asked them to pay the amount due; when they stated that they could not and wanted ten days' time to be allowed for paying it off. But as the fusly had passed and one month more elapsed after the close of the fusly, I ordered them to pay it off and said I will not allow any time, and so I ordered the Duffadar Mookoondoo Naick the peons named Moonesawmy, Jayaram, Adam Khan, to have the money collected from them. In that village no one paid the money even then, but many of them said they would go to their village and then pay the money. I thinking that if we went to their village Rallapady we would be able to collect the money by exertions, proceeded thither on the following day, June 28, with my Cutcherry, and made exertions requiring them to pay it off, so all of them paid it one by one before the evening of that day, nearly 160 rupees was collected, and the persons owing the remaining sum of 50 rupees absconded. Those who paid the money went away immediately. The money so collected I sent to the treasury, and then went to Chinnumbadoo with the Cutcherry for collecting the Circar dues. This is all that took place there; thus I collected the dues which the weavers determined not to pay in the idea that the loom tax, *i.e.*, moturpha, as would be remitted to them by the Government, and recommended the punishment of the Moonsiff who embezzled 30 rupees, which he had collected, in an urzee to your honour, No. , dated 8th August; owing to the enmity caused by such proceeding, they, persuaded by some wicked men, have set up this false complaint. I did not order the peons to stoop them down

nor pinch them on the thighs. As the debtors were near the place where I held my Cutcherry, the peons, &c., did not do so. Actuated by bad motives they have suborned some witnesses. If therefore your honour peruses the urzees sent by me from time to time, alluded to above, the matters will become clear. If necessary the other Moonsiff of the same village, named Polayathan, Goodoo Khan Saib, a Hoozoor peon, Dalayet, and a peon named Jayaram, may be examined as witnesses on my behalf, and the complaint will be found to be a false one.

Please to attend,

(Signed) STREENEVASSA ROW,
Tahsildar of Pariapollum.

Magistrate's Decision.

Considering that there was a large balance against these weavers which they had endeavoured to put off paying, the tahsildar, after sending his peons to them, was obliged by order in the Revenue Department to go and collect the balance from them himself. There is sufficient reason for believing that he may have put the Petitioners under the restraint they complain of, and that the witnesses, though otherwise exceptionable, are in this instance to be believed. It will be sufficient to meet the requirements of the case if the tahsildar is sentenced to a fine of 5 rupees, and the peons who were his agents dismissed with a caution; and the same can therefore be ordered.

(Signed) C. J. SHUBRICK.

5th October, 1855.

TORTURE IN MADRAS.

BY MALCOLM LEWIN, Esq.

LATE SECOND JUDGE OF THE SUDDR COURT OF MADRAS,

AND

PROVISIONAL MEMBER OF THE GOVERNMENT.

AUTHOR OF

“The Way to lose India.”

*“Has Oude been worse governed by its Native Princes than our Indian Territories
by Leadenhall Street?”*

*“Is the Practice of Torture in Madras with the Sanction of the Authorities
of Leadenhall Street?”*

“The Government of the East India Company, and its Monopolies.”

{SECOND EDITION.}

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1857.

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P R E F A C E.

A desire generally manifested of late, that the means should be afforded, of exposing the futility of an administration by a double Government, to the exclusion of all personal responsibility, has induced me to re-publish, the following official report, on the Practice of Torture in the Territories of Madras.

It would be unfair to charge upon the India House, a subordinate, all and every instance of misrule and neglect in our Indian administration, —it would be unjust to lay to its charge, all the needless wars undertaken in India, the plunder and annexation of the territories of the Native princes, and other lawless deeds of violence, done in the name and to the disgrace of England.

————— in nepotum
Perniciem, opprobriumque pagi.

It would be as unjust, to charge upon the Board of Control, all the evils of the internal administration of our Indian territories; alike unfair would it be, to refuse to Parliament the merit, of

probing abuses which had been left unnoticed and unchecked, by the two authorities whose especial duty it was to correct them. But although the person cannot in all cases be reached, there are objects of responsibility, which seem to bear peculiar relation to the office of the Directors of the East India Company,—such is the practice of torture throughout our Indian territories, which, notwithstanding the impediments cast in the way of its exposure, burst upon the people of England as an acknowledged engine of revenue and police administration, and in a form so systematic as to preclude the possibility, of its having existed unknown, as well to the servants of the East India Company resident in India, as to others who, after their retirement from India, joined the body of Directors, always excepting such of them, as, in the language of Sterne, had “travelled from Dan to Beersheba, “and found all barren.”

Such is the simple ignorance of the present Chairman of the Court, who, from his place in Parliament, denied the existence of torture, although the practice had been admitted by the Civil servants of the East India Company, and openly avowed by many of them to be necessary, for the collection of the revenue, and for the discovery of crime. Alike ignorant did this gentleman shew himself of the feelings of the Natives, when, at a period of general excitement, caused by the interference of the Indian Government with the religious institutions of the country, he as

publicly declared that “ he had no doubt whatever
 “ that Providence had been pleased to place the
 “ magnificent empire of India in our hands, in
 “ order that in due time we might be the
 “ instruments of converting the inhabitants to
 “ Christianity.”

Knowledge, which in every other relation of life has been associated with power, has not been deemed a necessary qualification for the government of India. Private friendship has been held an all-sufficient title for an East India Director, while party-ties have covered all defects in the Board of Control. For our Governors and Commanders, birth, poverty, and the favour of some great personage, male or female, have been found a sufficient passport ; while, in a member of council little more has been looked for, than an obsequious deference to the will of the Minister’s *nóminée*.

The India House has, at all times, contained men whose experience was gained in India, while the Board of Control has been remarkable for its ignorance, of all that it was its especial duty to know. The Governments of India have been of similar type and character. The fact of a person having acquired distinction in India has always been held a bar to his advancement there ; and, so far as a knowledge of the country and of its people is concerned, the native clerks of the secretariat would often have appeared to advantage, beside the men selected by the India House, as the advisers and sharers of the Government. A knowledge of

Calcutta, not of India, has been deemed enough for the government of an empire of blacks.

Had there been a Mounstuart Elphinstone at the seat of Government, the revolt would have been anticipated. Had Lord Canning, not "wise in his own conceit," listened to the missionaries, and planters, whose warning was spurned by himself and his council, the insurrection, if not warded off, —would not have taken us unprepared. Had the advisers of his Government gained their experience in the Mofussil, instead of in Calcutta, they would have seen, what every one but themselves was not above seeing, and have known, what every body but themselves knew, that disaffection, and hatred of our rule and person, prevailed throughout the land.

Who is responsible for the appointment of our Indian Governors? who for the appointment of the members of Council? Will the people of England neglect the inquiry at such a crisis?

The Report which follows these remarks was, seventeen years ago, laid before the Government of Madras, who transmitted copies of it to the India House, and to Cannon Row, where it was probably considered too delicate a matter to meddle with. In their dispatch to the Madras Government, of the 12th September, 1855, the Court of Directors writing on the subject of Torture in Madras, which had been forced upon their attention during the Session of Parliament, ignore the existence of the report, although they adopted the

advice contained in it, and, at the eleventh hour, ordered measures to be undertaken in concurrence with its views.

It was easier to shelter themselves by a display of ignorance, than to prove that they had not neglected their duty,—they chose the easier task.

MALCOLM LEWIN.

31, GLOUCESTER GARDENS,
November 24th, 1857.

TO THE READER.

I HAVE been induced to print the accompanying Report, addressed by me to the Madras Government in 1840, when holding the office of Judge of Circuit at that Presidency, owing to a perusal of the Report (dated 16th April, 1855) of a Commission recently appointed by the Madras Government, to inquire into the PRACTICE OF TORTURE by the revenue and police authorities, within the territories of the Madras Presidency.

These Reports alike shew, that the PRACTICE OF TORTURE, within the territories of the Madras Government, is universal, systematic, and habitual, as a means of revenue and police, that it prevails in forms the most disgusting and cruel, that mutilation and death are its frequent results, and that it is employed without respect to sex.

The Torture Commission Report, emanating from the Government of Madras, differs in no respect from the results disclosed in my own, the means of remedy suggested in one and the other are the same, and the same reasons for inquiry are shewn in both to have existed in 1840, which are shewn to exist at the more recent period of 1855.

It is as plainly shewn by the Report of the Madras Commission, that, but for the exertions of Mr. Blackett, the Member for Newcastle, and of Mr. Danby Seymour, the Member for Poole, no inquiry would have taken place—no remedy would have been applied to an evil which brought so much disgrace on the British Empire.

The English are accustomed to speak, with indignation, of the enormities which take place under the Russian Government—those which take place under the Government of the East India Company surpass them all.

M LEWIN.

31, GLOUCESTER GARDENS, HYDE PARK,
27th July, 1855.

*To the Registrar to the Court of
Fouzdarry Udawlut,
Fort St. George.*

SIR,

I have the honour to submit the Report of my Circuit for the first half-year of 1840.

2. Cuddapah, Bellary, Chingleput, and Cuddalore.

The total number of offences that came before me was 118.

3. Murder	30
Wounding	11
Gang robbery	43
Simple theft and other minor offences .	34

4. In the above statement are included the offences committed for trial by the courts (for the preceding half-year) of Chingleput and Cuddalore, the jails of which stations were not delivered at the usual half-yearly sessions.

5. The causes of crime in Cuddapah have lately been the subject of much discussion; the impunity also which has been said to follow crime, and the alleged acquittal of known offenders, have each drawn forth strong remarks from the magistrate.

6. These remarks have been for the most part directed against the courts. "They, the robbers, are frequently
" pretty well known, and might be apprehended without
" difficulty; but to apprehend and commit them for trial,
" without a moderate certainty of their conviction, is only
" increasing the evil. It is their experience of the im-
" punity with which they can commit crimes which
" encourages and emboldens them in continuing their
" depredations. Their knowledge of the degree and kind of
" evidence required, and the defence that is most likely to

“ serve them, is every day increasing ; and they know that
 “ with common sagacity and prudence, they may almost
 “ defy the law as it now stands. While, therefore, the
 “ chances of ultimate conviction are so small as scarcely
 “ to form a deterring motive at all, it is in vain to look to
 “ the police for the effectual suppression of such crimes.
 “ The remedy, I sincerely believe, can only be found in
 “ a modification of the criminal law, and the practice of
 “ the criminal courts.”

7. Looking to the quantity of evidence sent before the courts of Cuddapah, the result of the trials there cannot, I think, be deemed successful.

8. Bands of witnesses fail to convict, while in the adjoining district of Bellary, where one witness fills the place of four or five in Cuddapah, convictions are arrived at without difficulty.

9. The great number of witnesses called for the prosecution, as well also for the defence, forms a striking feature in the trials at Cuddapah, and amply attests the value of oral testimony, on which most criminal prosecutions depend.

10. It is not uncommon for a simple case to have forty witnesses, while there were cases in the calendar with as many as fifty and sixty.

11. The disparity in the number of convictions between the two districts, does not appear to me remarkable, when the circumstances and character of the people are contrasted.

12. The difference in the nature of crime forms a subject for comment. Robbery is the prevailing crime of Cuddapah, while offences aiming at property are less frequent in Bellary. Offences against the person composed the chief part of the calendar of Bellary. Out of thirty-four cases, there were eighteen of murder and wounding. Another subject of remark is, that most of the crime that takes place in Cuddapah is by the inhabitants of the district, while in Bellary it is by the wandering Brinjarries.

13. In speaking of the aggregate crime of Cuddapah, I am not of opinion (if its amount could be accurately ascertained) that it would be found to exceed what might be reasonably expected; nor do I think that it exists at the present time in an extensively organized form. A country capable of affording easy shelter for robbers, and surrounded by ill-organized native states—the known possession of wealth among its inhabitants—a demoralized and scanty police—all these while they sufficiently account for the present crime in Cuddapah, promise a great deal and certain increase of it.

14. That offences are not more frequently exposed and punished, owing to the inefficiency of the police; that the acquittal of known offenders, if true, must often proceed from the same cause, is rendered most plain by Mr. B.'s own admissions.

15. The population of Bellary is about equal to that of Cuddapah, its area rather larger, its wealth much less, its means of police greater, because its people and police are less demoralized; the quantity of crime is therefore less. The police of Bellary is preventive; that of Cuddapah is so only in name.

16. The village police of Bellary do almost everything; in Cuddapah, they not unfrequently figure as gang robbers rather than in their proper calling. In Bellary, the village police act of their own accord; in Cuddapah, they require to be stimulated by the regular police.

17. It is owing to the different character of the police that the trials in the two districts assume a very different form. In Bellary all is simple; in Cuddapah all is complex. It is only where the regular police has interfered that difficulties are experienced in the trials at Bellary.

18. That the guilty should occasionally elude the courts can excite no surprise what happens, more or less, in every court in the world, is especially likely to occur in Cuddapah,

from causes which Mr. B—— explains and enlarges upon. There is no district under the Madras Presidency where the distinction between truth and falsehood is so little recognized as in Cuddapah.

19. Mr. B—— dwells on the prevalence of perjury and on the general depravity of the inhabitants, which he attributes to the institutions of the present Government, though he would more correctly have imputed them to the vices of the past.

20. He speaks of the marketable value of oaths in Cuddapah, though the same blot will be found in the most moral countries of the world. It is not because the evil comes forth in the courts, that its origin is to be ascribed to the courts. The courts are the arena where the bad passions of human nature most develop themselves; but it might with equal justice be said that the site of St. Paul's was the cause of St. Paul's, as that the courts were the cause of perjury.

21. Want of evidence, badness of evidence, and false swearing, have ever given impunity to crime; our judicial system, indeed all over India, contemplates a contingency to which it is peculiarly liable, and provides for it.

22. "The prevalence of perjury imposes an obstacle to the conviction of offenders, from the general disbelief of human testimony, and thus to the suppression of offences in general; this disbelief has introduced an anomaly into the criminal jurisprudence of the country, wholly discordant from the legal practice of England, which knows no middle stage between conviction and acquittal. A culprit who cannot be subjected to the legal consequences of conviction is here retained in jail till he furnishes security or shew signs of amendment."——*Lord Hastings' Memoir.*

23. I have referred to Mr. B.'s writings, because they fall in with the present subject; if his reflections on the

courts are more critically examined, their origin will be found in his inexperience of the working of the judicial system and in a want of just inquiry.

24. Between his facts and conclusions there is remarkable inconsistency and error.

25. But if the guilty escape punishment, the innocent not less frequently fall under accusation; parties are sent before the courts, not only without any just excuse, but, it is to be feared with no better object than to screen the guilty.

26. There is a general distrust of police proceedings in Cuddapah; of this the police are so sensible, that they endeavour to remedy the defect by false evidence. Quality effects in Bellary what quantity fails to accomplish in Cuddapah, even truth is bolstered up by falsehood, and convictions as often rest upon evidence, in which truth and falsehood share equally, as on truth alone.

27. There is no degree of guilt which a police officer in Cuddapah will hesitate to incur, where the object is to convict; even in cases of murder they will not scruple, to promise pardon, in order to entrap prisoners into confessions; in other cases they have shewn that their oaths and testimony are subservient to the same end.

28. That the mind of the magistrate has not escaped this suspicion; his proceedings in Case 3 of the Cuddapah Calendar sufficiently attest.

29. On this occasion Mr. B—— avowed his suspicions of a Tahsildar, on a representation made by the father of the accused; in Case 7 of the same Calendar, on the representation of the prosecutor, who had accused the police of sharing the plunder; he transferred the inquiry from the hands originally employed upon it, and threatened them with dismissal if the offenders were not discovered.

30. In the case to which Mr. L—— alludes, in his letter to the chief secretary, dated 31st June, 1840, a head of police was suspended on the first burst of the robbery.

31. Mr. L—— has again alluded to this subject in his Police Report, dated 18th March, 1840.

32. The Tahsildar of the Talook-Rayachooty, where the robbery took place, has held the office in that district for nine years. The robberies described as frequent there commenced about three years ago; the cessation of robbery of which Mr. L—— speaks, I apprehend was owing to the harvest which supervened.

33. The discovery of the property under the circumstances argues a connection between the police and the robbers, though the result might have been, and probably was, brought about by Mr. L.'s threats.

34. Although property of larger amount is carried off in the robberies in Cuddapah than in other districts seldom is more recovered than sufficient to produce as evidence on trial.

35. A valueless unmarked cloth, a brass pot, common in its make, to the whole country a torch-light recognition, and the statements of men stimulated to embrace any falsehood, so long as it tends to the conviction of the accused, are frequently the only means placed before a court of circuit of deciding on an issue which lies between life and death.

36. When enlarging on the causes of crime, Mr. B—— says, "persons who have suffered by robbery know they can never get back their property, and they think it, therefore, better to put up with the first loss than suffer the inconvenience of attending the court many times."

37. The above remark directed against the courts, tells exclusively and conclusively against the police.

38. The business of a court is not to hunt out crimes, nor the property which furnishes the evidence against those who commit them. The province of a court is to deal with crime and property when brought before it; the discovery belongs to the police.

39. There are many ways of accounting for crime, other

than those selected by Mr. B——; among them may be mentioned change of system in police, also change of punishment.

40. Our rule has abrogated local responsibility, our punishments are not capable of inspiring the same terror as former ones.

41. A system which aims at prevention, and whose punishments are severe, implies small means; cruelty makes up for defect of means.

42. Men travelling about the country lopped of their limbs were a practical example, and spread terror among the community of thieves, while the responsibility of the village to make good losses rendered the inhabitants alert and watchful.

43. Without expressing any opinion in favour of the means, they were safeguards which no longer exist. They went with our rule, and we have given nothing in place of them; it is true we have added to the regular police, but the jumble of the two has not added to police efficiency.

44. Men whose interest once lie in preventing robbery are now leagued with robbers, and in no district is this more to be observed than in Cuddāpah. Mr. B—— says that, “even the principal inhabitants of the district are “joined with them.” That the inhabitants do not come forward with more alacrity to assist the police is, because they are not sufficiently protected against the consequences of doing so.

45. The association of the principal inhabitants with robbers I much doubt, except as the exception to the general rule, but admit the fact,—how could the courts be chargeable with such a vicious state of society? and for the course of crime, the natural result of it, they would seem as little chargeable as they are for the course of the sun. .

46. What means of theirs could avail, if the people are not true to themselves? if, instead of the principal in-

habitants of the district, Mr. B—— had charged the police with being in league with robbers? I am of opinion that he would have been more correct; the impression on my mind is, that almost throughout Cuddapah that is the case, and, until a most scrutinizing inquiry takes place, I consider improvement utterly hopeless.

47. It is successful crime, and the power to secure the plunder, which stimulates to robbery in Cuddapah; and who can be responsible for these, if not the police?

48. Mr. L—— speaks of a man, named Ram Row, who has for two years past been a successful leader of robbers in Cuddapah. Except by the connivance of the police this could not have been the case. Mr. B—— says, “gang robberies are now reported to me almost daily, and “I must express myself fairly baffled as to the means of “suppressing them.”

49. A very different result will be found in Bellary; there were few cases in which property of any value had been carried off, and, in two of them, the whole was recovered by the village police.

50. What prisoners so often assert in Cuddapah, that the principals have been screened under the influence of corruption, cannot, in every instance, be untrue, nor is it credible that, without such cause, trifling portions of property should be recovered, and never the whole.

51. It is common to see prisoners bring forth some petty value in jewels, cloths, or brass pots, as their share of the booty, and criminating the leaders, but neither the mass of the property, nor the leaders, are produced.

52. The remarks I am about to submit will apply to other districts as well as to Cuddapah.

53. It will be found, that, in the detection of crime, the same expedients are resorted to, in all the same impediments to justice arise out of them, and all depend on the same influence, *viz.* police inefficiency.

54. The majority of the prisoners who appear before the courts have been apprehended on mere suspicion, arising out of general character.

55. After seizure, measures are taken to provide the proofs; these proceed on the assumption that the party accused is guilty; the witnesses come forward with the impression stamped on their minds, and seldom hesitate to accuse them.

56. Where they have any qualms, they are stimulated by the police. In a trial at Cuddapah a female having twice declared her inability to recognise the robbers, was again urged by the Tahsildar to accuse them. In a trial at Cuddalore, the prosecutor and his brother, the first witness, had declared their inability to recognise the persons who had robbed them, notwithstanding this, the prisoners were placed before them for recognition, and immediately accused.

57. It is not an unusual practice for a Tahsildar to proceed to the spot where a crime has taken place, and reconnoitre, reserving his recorded inquiry till the subordinate police shall have developed something in a consistent form of guilt; the evidence is then made to tally with the facts. In two cases that came before me at Bellary, eye-witnesses came forward (as alleged) at the moment of the discovery of the murder, yet no depositions were taken from them till many days after.

58. Apart from the tricks and frauds practised against accused parties, must be considered the cruelties to which they are subjected. These are systematic and habitual.

59. A prisoner came before me at Cuddalore with the loss of his arm near the shoulder, arising from maltreatment; the arm was amputated after he reached the court.

60. In another case two prisoners appeared, with their bodies branded, the sores still fresh, while the arms of one of them were swollen from the effects of a tight ligature.

61. The treatment of accused parties is become one of the most important subjects of police. Innocence is no security against ill-usage, while the same ill-treatment which falls on the innocent is found capable of working impunity to the guilty.

62. The evil is a foul stain on our administration, and no pains can be accounted too great to remove it.

63. The police well know that it is against the genius and principles of our Government to practise torture upon offenders on any account, or to coerce into a confession of guilt; how then does it happen that the practice of both is almost universal?

64. As our means of police have declined, Tahsildars have been driven to other expedients; fair or foul, they must acquit themselves of the duties for which they stand appointed.

65. Various means of coercion have thus come into play, which have now so fixed themselves in police operations that they are as regular and habitual as any other part of their duties.

66. These practices have made the adjudication of crime not only difficult, but the result, as an inevitable consequence, uncertain.

67. It seems idle to talk of the bad practice of the courts when the path of justice is beset with the difficulties I have pointed out; the wonder is not that justice is seldom done, but that it is ever attained.

68. The first amendment, it seems to me, must come from the police; to expect improvement through any other medium is hopeless.

69. Heads of police usually look to confessions as the means of satisfying their superiors, well aware of the difficulty of tracing out an offender by fair evidence with the scanty means at their command; they have recourse to any expedient rather than incur the risk of being unable to

satisfy men (as to the causes of failure) who are often incompetent to judge of them and seldom disposed to listen to them.

70. They see that success that is the test of merit, while little regard is paid to the means by which success is attained.

71. The same test of merit which has been assigned to Tahsildars has been assigned to magistrates, and the same unwholesome stimulus more or less actuates both. Though the statements upon which comparative praise has been awarded were often little to be relied on, seldom, it is believed, drawn out on the same principle, and in few cases shew the true issue, that is, whether the parties apprehended were really guilty.

72. Owing to Tahsildars being unduly stimulated their most important labours have fallen into such disrepute that they actually pass for nothing.

73. A confession before a Tahsildar has justly been deemed so worthless as not to warrant a demand for security, nor to be made the basis of any ulterior measure whatever, though the same evidence before a European officer would be held sufficient for conviction.

74. If a Tahsildar could be entrusted with the power of taking a confession, it would perhaps be the most valuable attribute of his office; prisoners are more disposed, when first seized, to confess, than afterwards. In the first shock of seizure they often abandon themselves to despair and tell everything; after they have recovered themselves they throw the proof on their accusers.

75. By some the latter has been ascribed to the evil influence of the courts, though the same happens in every part of the world. Magistrates are accustomed to inveigh against the courts, because they are a check on the tyranny and lawless proceedings of the police, one of the chief

objects of their being appointed was to control the local authorities, Europeans as well as native.

76. It appears to me that the first step to police efficiency would be to throw the Tahsildars on their own resources, and where they are inadequate to assist them, to make them trust to the proofs which result from inquiry, to take away from them the temptation which arises out of the power to take confessions, and at the same time to remove one of the greatest promoters of indolence and inactivity.

77. A Tahsildar says, with some reason, I have fixed on the offender, for the man confesses, what more is required of me? from that instant all inquiry ceases. One of the worst results of allowing Tahsildars to record confessions is, that it enables them to cast the burthen from their own shoulders on to those of their subordinates, who relieve themselves by the expedients of coercion and cruelty.

78. Some years back the Fouzdarry Udawlut passed orders in concurrence with the measure I now venture to advocate, and were overruled by the Government.

79. I have understood that the reason assigned for not upholding the Fouzdarry Udawlut was that a criminal, if not allowed to dictate his confession, would be prevented exposing his associates and the means of getting at the property plundered.

80. If a criminal choose to be communicative, he can be equally so without placing his own guilt on record.

81. I urge the objection not only that the power is useless in the hands of the police, but that it is positively injurious and one of the principal causes of the acquittal of offenders, and of crime going unpunished.

82. As to the repute of the police, in what respect must a Tahsildar be held among the people of his district, and how is it possible he should appreciate the force of cha-

racter, when so fatal a suspicion is thrown over his labours, when he is proclaimed by his superiors unworthy of trust in matters which constitute his chief duty ?

83. And what must the people think of the Government whose officers, instead of employing the ordinary expedients, trust for the discovery of crime to the practice of cruelty and coercion ?

84. I do not, it is to be observed, argue abstractedly against Tahsildars holding the power of recording confessions. I assert that there is not a concurrence of circumstances which justifies the existence of the power at the present time ; and that while it is impossible to discover a single advantage resulting from it, its evils are numerous and evident.

85. When districts shall be adequately superintended,—when magistrates shall have the means of judging of the labours and failures of their subordinates through the means of rational inquiry,—when police officers shall have the means at their command of acquitting themselves of their duty without resorting to the expedients of cruelty and coercion,—when they shall be able to assure themselves that the causes of their failures will meet with dispassionate inquiry, then the power of recording confessions may with safety be accorded to them.

86. In my last Report I had the honour of offering some observations on the village police, and some inquiry has, I believe, taken place with the object of putting it on a better footing, but I am not aware that anything has yet been done.

87. I advert to the circumstance, not for the purpose of finding fault, but in order to state my opinion that the difficulties are too great to admit of anything being done within a reasonable period.

88. The subject is too large ; it involves too much writing, too many opinions, and the deciding authority will

have so many crudities to digest, that it will prove interminable. From my own knowledge of the circumstances of several districts, I do not believe that any one of the authorities before whom the question will come, can possibly find the leisure requisite for its due consideration.

89. I beg to offer one more observation :—The police of the country generally, is in so bad a state, and the officers belonging to it so demoralized ; the system also is so bad under which the police is paid, and the salaries so small, that it is a question entertained by many, whether parts of the country were not better left to their own resources. I trust I shall not give offence when I say, that our system makes robbers.

90. It may be laid down as a general rule, that a police officer never leaves his head quarters without inflicting some sort of injury on the country through which he passes, —they are often as much dreaded as the robbers they are employed to apprehend. Mr. B.'s charges upon the Potails and Reddies of Cuddapah that they are in league with robbers will, in my opinion, admit of a very different interpretation, which may be referred to the conduct of the police.

91. The remarks contained in the foregoing paragraphs are more or less applicable to all districts, and the same measures of amendment are required in all.

92. The various and numerous periodical reports received by the Government convey but a very imperfect view of the subject, and the volumes of conflicting matter they contain suggest so many difficulties, that all result from them is hopeless.

93. As I am convinced that a general inquiry into the state of the police of the country is necessary, in order to put it in a form adequate to the wants of the country,—and as I firmly believe that the subject, from its size, offers insuperable difficulties to its being adequately treated by

the authorities before whom it must now come,—who are known to be already overwhelmed with their present labours,—I would beg to submit a suggestion which I trust may be conveyed to the Government, that a general police inquiry be instituted as the only medium through which any practical result can be arrived at.

94. The entire subject will, in this way, come before the Government at one view. Volumes of writing and discussion will be saved, and measures of police amendment will be extended over the country on one uniform system and principle.

95. It is my opinion that the police of the country is every day becoming more inefficient and more vicious. Successful plunder must lead to an increase of plunder. Convictions are every day becoming more uncertain and more difficult. In the district of Cuddapah, owing to circumstances connected with the police alone, I am firmly persuaded that ere long it will be impossible to reckon upon a conviction being attained in any case.

96. As a first measure, I would recommend an inquiry by some authority independent of the local magistracy. I would also recommend the employment of Europeans among the police.

97. This plan has, I understand, been adopted in Bengal; but my reason for recommending it, is the proofs I have seen of the good effects of European agency in similar situations.

98. Wherever Europeans have been employed in jails, the effect has been beneficial; the prisoners under their superintendence are better worked, and are more contented than under their own countrymen.

99. The convict is secured from fraud and tyranny, and from the numerous petty vexations to which convicts are always subject under native guards.

100. In police operations, an absence of combination

between the police and robbers will be secured, and I know not of any other measure capable of producing this principal safeguard.

101. I am also of opinion that prisoners are more healthy under European jailors. In my visits to the jails along the Great Western road, I saw nearly 2,000 prisoners, and the number of sick did not amount to half per cent.; the stations,—at each of which there was an European jailor,—are marked in the margin.

102. I visited the jails of the several Zillahs in my circuit and on the hill of Ghooty, and found them well ordered, and there were no complaints.

I have, &c.,

M. LEWIN,

Acting Second Judge, Centre Division.

Chittoor, 28th Sept. 1840.

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SPEECH

OF THE

EARL OF ALBEMARLE,

ON

TORTURE IN THE MADRAS PRESIDENCY,

DELIVERED

IN THE HOUSE OF LORDS,

14TH APRIL, 1856.

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LONDON:  
JAMES RIDGWAY, PICCADILLY.  
1856.



## TORTURE IN MADRAS.

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The Earl of ALBEMARLE said,—Before I move the resolutions which I have placed on the notice paper, allow me to present a petition from certain inhabitants of Madras, complaining of the infliction of torture by the officers of the Government, for Government purposes ; and praying for your Lordships' protection. The petitioners are anxious that your Lordships should not consider the report which has been laid upon your table as conveying any adequate idea of the amount of suffering endured by the inhabitants of the Presidency of Madras. The Commissioners themselves virtually acknowledge the incompleteness of their report, because they say that full inquiry would have occupied two years, and the labours of the Commission were brought to a conclusion in three months. Besides this, the Commission sat in the town of Madras, where, owing to the want of means of internal communication, and the extent of the Presidency, being an area of 144,889 statute square miles, or within one-fourth part of being twice as large as Great Britain, it was impossible that many of the sufferers should attend to make their complaints. The report must, therefore, be considered simply as a sample of the way in which justice was administered, and the revenue col-

lected under the East India Company. Without stopping to contrast the innocent surprise expressed by the home authorities at the prevalence of torture over a territory inhabited by near 23,000,000 of inhabitants, with the fact that there existed in the India House documents, written between the years 1806 and 1852, which proved the prevalence of such torture, I will proceed at once to the question of the torture itself.

To correct the impression which exists on the part of some of the civil servants of the East India Company, who seem to have an erroneous notion of the word torture, and fancy that nothing short of those kinds of pain which, in England, in barbarous times, were employed judicially for compelling evidence, such as the rack, the boot, and the wheel, let me quote the definition of torture given by Dr. Johnson, which is, "pain by which guilt is punished or confession extorted." If I might make an addition to the definition of the great lexicographer, I would add, "or Government revenue extorted." That your Lordships may not think that the torture inflicted is of the mildest description, an impression which you might receive from the extenuatory despatch from the Court of Directors to the Governor of Madras, dated the 12th of September, 1855, I will read a list of the modes of torture practised, which I have extracted from the report of the Commissioners. These are deprivation of food and water; hindering a man from sleeping; hang-

ing a necklace of bones or other disgusting materials round the neck (a punishment peculiarly offensive to a Hindoo); compelling a man to sit on his heels, with brickbats or sharp stones under his hams; striking the heads of two defaulters against each other; tying two persons together in a stooping posture by the hair of their heads; tying a man in a stooping posture to the wheel of a cart; tying a man by the hair of his head to the tail of an ass, and parading him through the public market; forcing a man into a stooping posture with another man on his back; binding a man to one tree and hoisting his leg by a rope attached to another; suspending a man by his heels to the bough of a tree; suspending him by the wrist, and scourging him while in the air. If my recollection serves me right, there is in that report an instance of a woman who died under the infliction of this torture. Tying to a tree with a fire underneath, in order to produce partial suffocation; forcing a man to whirl his head in a peculiar manner with his hair dishevelled, sitting in the sun, the process being assisted by scourging (called in the native collector's office, "extracting the devil"); suspending a man by his arms tied behind his back, which, I believe, is the Indian punishment of the *strappado*; plunging into wells and rivers, until the victim is half, or sometimes wholly, drowned; placing the carpenter beetle, or other gnawing insect, or some stinging reptile, confined within a cocoa-nut shell, on the navel or still

more sensitive part of the body, causing great torment; cudgelling with bludgeons with such severity as to produce dislocation; placing the muzzle of a musket on the great toe, and forcing the party to continue with it for hours in the burning sun; placing a stick across the chest with a man seated at each end of it, so as to produce partial suffocation; (I have heard that this has been in some cases continued until the tongue protruded from the mouth;) binding a limb by twisting a rough rope round it, so as to impede the circulation, the intensity of the torture being increased by the application of a composition of red pepper, salt, and mustard. This torture the Court of Directors have themselves described in their Judicial Dispatch of the 11th of April, 1826, page 7 of the Report. Another punishment is the stocks—a very different punishment from the stocks formerly used in this country; the victim is placed on his back, with his heels in the air, his face exposed to the sun by day, and the damp and cold by night. Then there is lifting up by and tearing out the mustachios—not only a very painful torture, but a great indignity into the bargain; placing the victim on a nest of red ants, also a very painful torture; squeezing the crossed fingers; pinching the fingers between a cleft bamboo; torture by the kittee, an instrument by which the fingers are gradually bent back until the pain is unbearable; pinching the inside of the thighs; nipping the flesh with wooden or iron pincers;

pounding the joints with mallets of soft wood ; flagellation with every kind of scourge in every part of the human body, and with such severity as occasionally to cause death (at page 80 will be found a case mentioned by Mr. Lushington of a man flogged to death for non-payment of taxes) ; tying rags round the fingers and setting fire to them ; burning various parts of the body with a lighted cheroot, heated packing needles, and searing irons ; wrapping the body in cotton steeped in oil, and setting fire to it ; compression of the sensitive organs of the body ; driving thorns under the nails ; filling the nostrils, eyes, and other parts of the body with cayenne pepper ; applying the bamboo pincers to women's breasts. In their dispatch of the 12th of September, 1855, the Directors refer with great satisfaction to a passage in the report, paragraph 70, page 35, in which the European officers are acquitted of giving countenance to the infliction of torture, and in which also, it is alleged, that the natives place implicit confidence in the integrity of the European officers. Now, I will state some facts bearing on these points, and then leave your Lordships to draw your own conclusions. For my own part, I cannot agree with either assertion. First, with regard to the confidence placed by the natives in the integrity of European officers. Now, I have made copious notes from the report of the evidence of the natives themselves, which expresses anything but confidence in the European functionaries, but I

will confine my quotations to what Europeans themselves say on the subject. At page 86, Mr. Minchin, sub-collector of Nellore, states :

“ The fact that no cases of torture have been in-  
 “ quired into for the last seven years must force on  
 “ the mind the conviction that the body of the peo-  
 “ ple believed that the system of personal ill-usage  
 “ for the collection of revenue was at least connived  
 “ at by the Government and its officers. The answers  
 “ to any questions on this point have been always  
 “ confirmatory of this humiliating truth.”

At page 89, Captain Boileau, civil engineer, of Nellore, states :

“ The idea of torture being tacitly tolerated by  
 “ the Government or its European officers is so far  
 “ prevalent that a belief is expressed that any com-  
 “ plaint made of torture inflicted for the non-pay-  
 “ ment of the kist (rent) would not be attended to.”

At page 95, Mr. Saalfelt, agent to Messrs. Ar-  
 buthnot and Company, a very important witness,  
 from his necessarily constant intercourse with the  
 natives, states :

“ Not a single individual can be found bold or  
 “ resentful enough to make torture a subject of  
 “ complaint, simply because the idea is prevalent  
 “ among the people that such acts are tacitly tole-  
 “ rated by the Government.”

At page 97, the Rev. E. Webb, of Bellary, says :

“ He must add in conscience that the impression



“entertained by the people is that by many European servants of the Government the whole subject is avoided, and that it is tacitly permitted as a sort of irremediable evil. I have myself received the reply from more than one gentleman in the service of the Government when reference was made to this mode of obtaining evidence, ‘We have nothing to do with that, it is all *sub rosa*.’ These gentlemen would, without doubt, have severely punished a case of the kind satisfactorily proved.”

At page 115, Mr. F. W. Goodwyn, Civil and Session Judge, Salem, says :

“As far as I could ascertain or judge, the idea was prevalent among the people that such acts were tacitly tolerated by the Government or its European officers. If directed to do so, I can furnish some details which appear to me to support the above opinion.”

At page 216, Mr. Bourdillon, collector of Arcot, quoting the evidence of a native revenue officer of North Arcot, says :

“The ryots do not think that the Government and collector do authorize such acts ; but they think the collector does connive at it, and that if any charge of this kind were given, the collector would inquire into it formally, but at the end he would dismiss it on the ground that the charge was not proved. On this account the ryots are backward to make complaint.”

What constituted connivance? If it is said that non-connivance meant ignorance of the fact; that plea certainly would not be substantiated. Ignorance of the existence of torture among the civil servants of India was impossible. The Hon. Walter Elliot had made a very able report on the subject of torture, had drawn up an analysis of the evidence, from which it appears, at page 230, that—

“Of 215 responses elicited, only seven express a “disbelief in the existence of the practice, 17 give “no positive opinion, while 197, of whom 112 are “public officers engaged in the civil administration, “&c., concur in stating their belief in the prevalence “of the evil to a greater or less degree.” Again Judge Cotton, of Masulipatam, says, that if the civil servant were asked, “Does torture exist?” from the highest to the lowest subordinate official the answer must be in the affirmative. I may be very uncharitable, but I cannot conscientiously acquit the civil servants of India of all non-connivance of torture. Connivance of some kind was shewn by the almost universal repugnance of the civil servants to convict a subordinate of the offence, even upon the strongest evidence. Take one district alone—that of Coimbatore. At page 131, it would be found that Mr. E. B. Thomas, a magistrate in that district, states that “torture, properly so called, had ceased to prevail.” Mr. M. J. Wallhouse, another magistrate, also states that he “considered his knowledge of facts enabled him to pronounce that the statements in the speeches

circulated by the Government (*i. e.* the speeches in the other House) were pure fictions,” as regarded that district, and yet, on looking a little further, it would be found that two men had been tortured to death in his district. Look now to page 299, and your Lordships will see the Torture Calendar for this same Coimbatore. I find that from 1847 to 1853, there have been thirty-one convictions, involving no fewer than sixty offenders, all public officers of the Government. Two of the convictions are by Mr. E. B. Thomas, the very collector who states that “torture has ceased to exist,” and thirteen convictions involving twenty-three cases, by Mr. M. J. Wallhouse, the magistrate who pronounces “the existence of torture to be *pure fiction*.” True it is that in the record of convictions, the kind of torture is veiled under the vague title of ill-treatment, but in that list we find the stocks, the handcuff, and the scourge. Now I will only select two cases, and they shall be two of the thirteen convictions of Mr. Wallhouse. I adduce them to show that the inadequacy of the punishment on the delinquent affords evidence of connivance. The sixth conviction on the list, date 1848, four men for torturing the prosecutor, and taking away 50 rupees he had in his house. That is torture and burglary. The principal in this case is fined the sum of 10 rupees, being one fifth of the robbery he had committed. Five officers are convicted of torturing a man for the purpose of extorting revenue, the amount not stated. Three of these

are fined eight shillings each, and two four shillings each. In not one case out of the thirty-one convictions does dismissal from office seem to have followed. In this country dismissal would follow in every case, and in most of the cases a penal servitude of four years duration would be the slightest punishment which a Judge would inflict. Let me now call your Lordships' attention to the causes of torture, and I think I shall show they are distinctly traceable to maladministration. Let us first look to assessment of the land.

One of the facts proved is the necessity of torture for the realization of the revenue, and I think that fact alone will establish the point that there existed the grievance of over-assessment. When rent could only be obtained by means of torture, it might safely be assumed that the land was rented too high. Mr. Seymour, when fortunately for the natives of India he visited India—for otherwise these atrocities might not have been brought to light for another half century—asks Mr. F. N. Maltby, collector and magistrate of Canara, whether the Government had taken the best measures to put it (torture) down, and he (Mr. Maltby) replies, that he could never say that, so long as they maintained in many districts a rate of assessment which he believed to be excessive. Mr. J. D. Bourdillon, collector and magistrate of North Arcot, enumerating the causes of torture, instanced the high assessment of the land:—

“With a moderate assessment,” says Mr. Bour-

dillon, "land would have become a valuable property, "and a man would not only have taken care not to "incur the loss of it, but in case of adversity would "always have had in itself the means of satisfying "the Government demand upon it. Further, had "the assessment been moderate, that circumstance "would have powerfully tended to raise the charac- "ter of the people, for when men begin to possess "property, they also acquire self-respect, and the "knowledge how to make themselves respected, and "will no longer submit to personal indignities."

With regard to the necessity of torture for the realization of revenue, Mr. W. Sloane, Sudder Ameen (a judge empowered to try causes to the extent of 1000 rupees), of Vizigapatam, states :

"Parties who have had the fullest means of know- "ing the truth of what they stated, have told me "that, without resorting to torture, tehsildars (native "collectors) and heads of police would find it impos- "sible either to collect revenue or detect criminals."

Mr. J. M'Kenzie, merchant of Bimlipatam, an important because an unwilling witness, whose extenuation of torture, and contradiction of himself the Torture Commissioners have pointed out, states :

"Certain I am that if the ryots come to entertain "the belief that the tehsildars (native collectors) dare "not and will not use any other means to collect the "revenue than those authorized by the strict letter of "the regulations, the void in the Madras exchequer "will be large indeed. I have heard of the experi-

“ment being tried in some not distant districts, and  
 “the results were such as might have been antici-  
 “pated. The annual jummabundy (rental) reports  
 “were far from being satisfactory.”

Mr. J. J. Minchin, Acting Sub-collector of Nel-  
 lore says :

“I believe that there is not one native official who  
 “does not expect that the new system will be fol-  
 “lowed by a decrease of 50,000 rupees in this divi-  
 “sion, and of a lac or a lac and a half (10,000*l.* or  
 “15,000*l.*) in the whole district.”

If all the other collectorates were in the same  
 condition as Nellore, the defalcation of the Madras  
 revenue would be nearly eight per cent., or  
 350,000*l.*, a sum which in such a case must be con-  
 sidered as extracted by mere force of torture.

Having shown that torture and high assessment  
 are inseparable, I will take another example from  
 the report, and prove the converse. I will now show  
 how moderate assessment is marked by the absence  
 of torture. In the town of Madras, where there is  
 a fixed and moderate rent, and not an annual assess-  
 ment, where the police and revenue departments  
 are separate, and where there exists the supervi-  
 sion of an active intelligent European population,  
 torture is unknown ; but of the twenty other col-  
 lectorates, there are only two in which there is  
 an absence of torture, namely, Canara and Mala-  
 bar. In these two districts, the assessment is low,  
 and the proprietors are not a numerous class of

Here there is ostensibly an undertaking, on the part of the European, to enter into a direct and annual settlement with every peasant proprietor, without the intervention of a third party, but in reality neither the surveyors of the land, nor the assessors and collectors of the tax are Europeans, but natives, the higher class of these men receiving a salary of 70*l.* or 100*l.*, and the lower only a salary of 12*l.*; and as they live at ten times that amount, they of course eke out a livelihood by the very power which this tax gives them. The Government has not furnished me with the returns for which I have moved; I must therefore make use of such documents as I can lay my hands on. An able article, which appeared the other day in *The Times*, fixed the number of proprietors in Madras at 5,000,000; and the number of European servants, it appears by the Torture Report, who ostensibly survey and assess that number of farms was 70. Seventy Europeans to assess every field of 5,000,000 farms! The idea was absurd. As a necessary consequence, the people of Madras were left to the mercy of a legion of underpaid, undisciplined revenue officers, armed with all the powers of the police, and exercising those powers without supervision. Mr. Walter Elliot, in his evidence upon this subject, at page 83 of the report, says:

“The number of ryots paying an assessment of “less than 10 rupees (20*s.*) per annum is 630,704.” Now, in the five northern Circars, the average number of pauper ryots is 30,000 for each, or 150,000

for the whole. The population of the Circars is 4,284,139. If proportions in the other 15 provinces be the same, the number for the whole presidency will be 786,426.

How has this number of pauper proprietors been created? Are they a *damnosa hæreditas*, left us by the Mahomedans? No; they have been created by the cruelty and fiscal rapacity of a Government more barbarous than that of the Mahomedans — by the Government of the East India Company. An account of the manner in which a pauper proprietary has been created, is ably given by Lieutenant H. L. Grove, employed in the Godavery Works :—

“ From my constant residence among the natives, I can assert, that without using force, a considerable portion of the revenue never could be collected, and the same difficulty will exist so long as men, who are wretchedly poor, and utterly unfit for anything but coolee (day labourer’s) work, are permitted, either voluntarily, or,” mark this, my Lords, “ by force, to become cultivators. In every village there are some bits of waste or bad land, which the wealthier ryots will not cultivate, but as the Circar’s (Government) annual demand must somehow or other be paid, the names of some of the poorest inhabitants (and even sometimes without their knowledge) are put down for these bad bits. In vain do the unhappy creatures declare that they know nothing about cultivation; that they have no implements, cattle, or plough, or that they were



“ruined last year by the loss of their crops. They  
 “are told that the Circar’s money must be raised, and  
 “they are promised tuckavee (advances) to purchase  
 “what they require. If the man is still unwilling to  
 “take the land, the village authorities bring him to  
 “the notice of the amildar, (collector) who orders him  
 “to his cutcherry office, where, by threats and force,  
 “both moral and physical, he is induced to cultivate.”

Now call this what you will, it is prædial slavery. If a man is forced to cultivate in order to yield revenue, and forced to work upon the public works without reward, what is this but substantial slavery?

I will now show the great impolicy and cruelty of the tuckavee (advances) system, from the evidence of a native, to which great importance is very properly attached by the Commissioners. This gentleman, A. Nulla Moothoo Pillay, Quit-rent Amildar (collector) of the Madras Collectorate, page 222, says:

“Whenever the ryots wanted tuckavee (advances)  
 “for buying cattle, or in any way to help themselves  
 “in cultivation, the half of the amount which they  
 “applied for would be appropriated among the Ta-  
 “look (Government) servants, and the other half  
 “given to the ryots, who applied for the whole;  
 “but when they demand fully the advanced sum,  
 “they (the Circar servants) use the most cruel tor-  
 “ture towards those that resisted or hesitated to pay  
 “the amount which they had received only in part.”

Another cause of torture is the union of the functions of police officer and revenue officer in one per-

son. In 1792, Lord Cornwallis completely separated the administration of revenue from that of police in Bengal, and in 1802, his regulations were introduced into Madras. In 1816, however, they were rescinded, and the offices of judge, magistrate, and collector, were centred in one person. Several able protests were made against this barbarous and unprincipled measure, from one of which I will read a short extract, although I recommend all the quotations given in the Report from this able state paper to your Lordship's serious perusal. Mr. Fullerton, a member of the Madras Council, afterwards Governor of the Straits Settlements, in a minute dated January 1, 1816, says :

“ It is not, I conclude, intended to make police or  
 “ the administration of the criminal law subservient  
 “ to the collection of revenue,” meaning, of course,  
 that it was the intention of his honourable masters  
 to do so—“ to vest in the collector such a degree of  
 “ overwhelming authority as will enable him to dic-  
 “ tate the terms of cultivation, to infringe on the  
 “ personal liberty and the free exercise of the labour  
 “ of the ryots, and extract, by an organized system  
 “ of compulsion, a revenue beyond the natural result  
 “ of voluntary engagement.”

It appeared that the East India Company did intend by this step to dictate the terms of cultivation, to infringe on the personal liberty and free exercise of the labour of the ryot, and to do all that Mr. Fullerton deprecated. Two years after this protest,

namely in January, 1818, when full experience had been acquired of the cruel working of the measure, the revenue board issued a minute, contrasting Lord Cornwallis's, or, as they were then called, "the new regulations," with the ryotwarry. They said :

"The new regulations required revenue to be subordinate to justice, while the ryotwar system has rendered justice entirely subordinate to revenue."

I hold our East Indian Government of the present day responsible for these evils inflicted upon the unhappy inhabitants by their predecessors, because, with all the evidence before them which has been collected as to the cruel working of the present law, they have actually, in their dispatch, written as late as September 12th, 1855, recommended that the union of the revenue and judicial functions should be carried into effect in Lower Bengal, where, as I have every reason to believe, the practice of torture even now exists, and requires no new cause to be added for its infliction.

The remedies for these evils are obvious. The assessments must be reduced, and they must not be made annually. Instead of entering into arrangements with each individual collector, the Government must fix the amount of rent or land-tax for a long and for a definite period, and whenever an augmentation takes place, it must be one of a fixed and specified amount, not exceeding 5 or 10 per cent. The necessity of having a large amount of European functionaries must be admitted, although its practica-

bility may be denied. There are 1000 civil servants in India to a population of between 100,000,000 and 150,000,000, being one European to every 100,000 or 150,000. The thing is absurd, but the evil will not be remedied so long as they maintain the principle affirmed by the act of 1853, that is so long as the covenanted servants of the Company receive ten times as much as the servants of the wealthiest country of the world, whilst such poverty exists as in the Presidency of Madras with its 700,000 pauper landholders.

I have to ask your Lordships' indulgence for having detained you so long. I have discharged a painful duty, but the responsibility now rests with you. You may be pained at the fiendish malignity of the native servants, and ashamed of the disgraceful apathy, to call it nothing worse, of the civil servants, but I do not know in what terms to speak of the rapacity of that Joint-Stock Company to which Parliament and the Government of this country have farmed the Indian Empire, the greatest dependency that this or any other country ever possessed, as if they had been leasing a private estate to tenants at will. On your Lordships will rest the responsibility, and you owe it to God and your country to blot out the evil and apply the remedy. I now move :

“That by a report lately laid on the table it is proved to the entire conviction of the House that torture, or the infliction of pain for the purpose of

confession or extortion, has long been practised, and still continues to be practised by the native officers of Government in the realization of the public revenues and the administration of criminal law, to a greater or less extent, throughout all the 20 provinces constituting the Government of Madras ;

“That the aforesaid torture, although clandestine and unauthorised, has been for many years known and admitted by the constituted authorities at home and in India, as shown by the public records ;

“That this House views the aforesaid practice of torture, affecting so many millions of Her Majesty’s subjects, whether as an instrument for the realization of the public revenues or the administration of criminal law, or for any other purpose whatsoever, as repugnant to natural justice, abhorrent to humanity, and highly disgraceful to the character of this nation ;

“That this House hereby pledges itself to pursue the speediest and most effectual measures within its power for the annihilation of the odious and barbarous practice of torture within the above-mentioned Government and Presidency of Madras.”

THE END.

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I have been induced to write the following pages by the perusal of a pamphlet, which has lately issued from the India House, entitled "The Opium Revenue of India."

That a member of the body which, for more than a century, wielded the India and China monopolies, should now stand forward to uphold the opium and salt monopolies, within our Indian territories, is not surprising; the wonder is that he should not defend the monopolies of Arrack and of Ferries, and, as a crowning effort, seek to resuscitate the tobacco monopoly of Malabar and Canara, which, after filling the Circuit-calendars for thirty years with crime, and calling forth the reprobation of every public officer in practical acquaintance with its operation, has at length succumbed to the influence of "The Young India Party," a body he dismisses with a sneer, but to whom India is indebted for nearly all the improvements, which, during the past seven or eight years, have been introduced into the country,—an interval, in which

it is as fully admitted at the India House as elsewhere, that India has made greater progress than in the hundred years which preceded it.

The East India Company supplied the inhabitants of Malabar and Canara, with tobacco, drawn from the neighbouring provinces of Coimbetoor and Mysoor; the tobacco being often of an inferior quality, and the monopoly-price treble the prime cost, smuggling was the natural result: this was carried on systematically by armed bands, who frequently came into conflict with the revenue officers, with loss of life on both sides. In order to force the sales, it was usual to place tobacco in charge of the heads of villages, who were afterwards called upon, to account for the monopoly-value of the quantity, supposed to be required to meet the consumption, within the limits of their jurisdiction. In the event of parties being charged with the possession of smuggled tobacco, a suit was filed against them by the collector of the district, for treble the value of the seizure. Under the operation of this law, (Regulation VII. A.D. 1811) parties were often sent from their homes, a distance of two hundred miles, in order that the Zillah Judge (by whom alone the case was cognizable) might impose a fine of three rupees or six shillings, the sum which not unfrequently represented treble the value of the seizure. In a climate such as that of Malabar and Canara, where the annual fall of rain averages 125 inches, where the cultivator

always labours in water, tobacco is not simply a luxury it is a necessary of life, and inseparable from his occupation.

The following extract from a report addressed to the Madras Government, in the year 1837, by one of its principal revenue officers, points to the results of the tobacco monopoly:—" Among the objections  
 " which have been taken to the tobacco monopoly,  
 " a principal one may be found, in its unequal  
 " pressure. Its rigor is felt by the inhabitants of  
 " the seacoast only, those of the Balaghaut (high-  
 " lands) relieve themselves from its pressure by  
 " habitual smuggling. Of the entire quantity  
 " consumed in Soondah, more than one-third is  
 " obtained by smuggling. The practice has not,  
 " however, produced the same baneful results in  
 " Canara as in Malabar. It has not trained up  
 " bands of desperadoes, living in open defiance of  
 " the laws; nor has it led to the conflicts, which  
 " often take place in Malabar, though it has  
 " engendered in each district the same amount of  
 " vice and profligacy. No remedy for the evil,  
 " short of abolition can be suggested. As a  
 " financial measure, it is adverse to all just theory;  
 " its partial operation has made it odious; its  
 " injustice has long been acknowledged, as well by  
 " the Government as by its local revenue officers,  
 " and the amount of revenue realized, is so insignificant, in comparison with the higher interests  
 " compromised by it, that it may be justly questioned,

“ whether the exigencies of State can be pleaded, “ either in its extenuation or defence.” About seventeen years after the above was written, the tobacco monopoly of Malabar and Canara yielded, with other abuses, to the will of the British nation, expressed by its representatives in the House of Commons.

The monopolies of arrack and of ferries are still kept up, for purposes of revenue ; as if, in defiance of the laws of the Hindoo and Mahomedan, to encourage the use of spirits, and in opposition to the laws of commerce and of civilization, to restrict the intercourse of man with his fellow. In their petition from Madras, addressed to Parliament, the natives complain that “ the Government is forcing “ drunkenness on the people, a vice forbidden “ by the Hindoo and Mahomedan law.” The practice of the arrack monopoly is to set to public competition the right to sell arrack and other spirits, at certain shops established within a given area, the profits of the contract being measured, by the zeal of the contractor and his agents, in stimulating consumption. Under this system, drunkenness, a vice coeval with English civilization in India, is now as common as the fruits of opium in China. By the ferry-contract, the right of passing the inhabitants over the rivers which intersect the country, at every five miles, on payment of certain tolls, is vested in an individual. The system has long been complained of by the

inhabitants of all parts of India, not only as a restriction on social intercourse, but as “ a heavy “ burthen on the commerce of the country.”

Can the India House claim a single improvement, that has not been forced upon them by Parliament? Was the tea trade thrown open with their consent, or in spite of it? Was the trade to India thrown open, its press set free, with their consent? Did they encourage or throw obstacles, in the way of steam-navigation to India? The Ganges canal,—the electric telegraph,—the anecut across the Godavery,—that across the Kistnah which, carried out in time, had saved half the population of the Guntoor district, and an immense annual revenue, did they originate with Leadenhall Street? The recent revision of the land assessment at Madras, and the reduction which followed it,—the survey of the country now in progress,—the exposure of the practice of torture, as an engine of revenue and judicial administration,—the inquiry into the cultivation of cotton,—the means of increased irrigation,—the construction of roads and of railways,—did they originate with the India House, or with “ the “ Young India Party” in the House of Commons? Has the India House ever listened to the appeals of their servants, in behalf of the poverty-stricken ryots of their territories? Can a single suggestion by any one of them, whether for the relief of the ryot or for general improvement, be adduced, which has not remained a dead letter on their records?

The products of our Indian territories, with their variety of climate suited to every natural production, are they not the worst, with the single exception of indigo, that enter the English market? Indigo, at one time the worst, has now become nearly the best, by the force of English labour and capital, which it has ever been the rule of Leadenhall Street to exclude. The improvement of cotton capable of rendering England independent of the foreign market; has it not, until lately, been utterly neglected? The education of the people has been more than lost sight of by the Indian Government; it has set its face against it. The petitioners from India complain that even "the grants from Parliament to promote education have been unemployed."

If the measures of Lord Dalhousie, in a seven years' residence in India, established a claim to a pension of £.5000 per annum, how much must Leadenhall Street have left undone? The policy of Lord Dalhousie, which led him to apply the revenues of the country to increase its resources, has laid India under a debt of gratitude. What, except the supineness of Leadenhall Street, prevented the same policy being carried out at an earlier period, remains to be shewn.

Of the result of India House rule on the happiness of the people, we may deduce a satisfactory conclusion from the fact, that no opportunity has been neglected, where a blow

could be aimed at it. An interval of five years without an outbreak, is almost unknown in India. Insensible to the blessings of our civilization, the people are always ready to cast it off. The Tartar dynasty in China for more than a hundred years, was without revolt. Russia's conquests have been as free from it. But the system pursued by them was as much opposed to our own, as the poles are asunder. They governed for the benefit of the people—the real end of all government; we have governed for ourselves. Were we now to retire from India, little would remain to mark our rule, but the insignia of coercion, in the shape of barracks, and the débris of the public works of former dynasties.

What sort of Government we have established, may be inferred from the recent irruption of the Santals, a barbarous tribe residing within a hundred miles of Calcutta, who for eighteen months laid waste the country, destroying whole villages unchecked by authority, carrying with them slaughter and desolation almost to the gates of Calcutta, the capital of the British Empire. The progress of the Santals is scarcely more remarkable, than the prevalence of Dacoity, which exists as a profession. Gangs of robbers traverse the country as undisturbed, as if their proceedings were in conformity with the law. The inhabitants of the country, placing no reliance on the police, buy them off, or submit to their depredations.



While the main body of the Santals were ravaging the country, eight hundred of the tribe, in the employ of a European coal company, near the Raneegung terminus of the East Indian Railway, though invited to join in the rebellion, were kept in order by a grateful impression of the kindness and habitual protection, they had received from the managers against the oppressions of the public service. “ Here there were two pictures, “ in the one the officials of the Government “ exciting a people to rebellion by oppression “ and plunder; and in the other, the same race “ protected against their rulers by a European “ company, proving themselves so docile and “ industrious, that when further messages came “ urging them to revolt, they immediately gave “ information to their overlookers, and continued “ their labour as before.” The English planters who have been permitted to reside in India, have ever stood between the natives and the Government. The most prosperous parts of our Indian territories have become so by their means, and they alone have been able to shelter the people from the tyranny, of a countless multitude of underpaid officials, scattered over the country with almost the same results as followed the spread of locusts, over the land of Egypt.

Had the Government of England, from time to time, sent out its own commission of inquiry, India would long ere this have reached the point

to which it is now tending. Had Parliament sought intelligence from independent sources, instead of relying on the testimony of men trained to uphold the abuses, they found in the country, India would not present the picture it now does, of a country in all the relations of government, approximating to confusion.

Of the institutions of the country, we have uprooted them all. In place of the village police, the most efficient the world ever saw, we have given anarchy. Our courts are a subject of jest and derision among the people. "If our courts have a good name with any it is with the criminals who are brought before them: that this should be the case is not surprising, if we consider that this is the only class that has no reason to complain of them; with them the merit of a court ascends in the ratio of its elevation and the chances it holds out of escape." The Madras Commissioners say, "The police establishment is the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exists among the subjects of the Government; corruption and bribery reign paramount throughout the whole establishment. Violence, torture, and cruelty are the chief instruments for detecting crime, implicating innocence, or extorting money. Robberies are daily and nightly committed, and not unfrequently with their connivance. The so-called police is little

“ better than a delusion ; it is a terror to well-disposed and peaceable people, none whatever to thieves and rogues ; if it were abolished entirely, the saving to Government would be great, and property would be not a whit less secure than it now is.” Mr. Haliday, the present Deputy-Governor of Bengal, has recently shewn, in his official memoir, of the judicial administration of Bengal, that justice within our Indian territories, is but an empty sound.

In Cuddapah, one of our richest districts, a gang robbery seldom takes place, in which the potails and curnums, and village watchers, do not form a considerable proportion of the accused.

Can truth or prejudice make the condition of Oude, worse than our Indian officials have made the condition of our own territories ? and yet we seize upon Oude because it is misgoverned ! Whenever we find a land flowing with milk and honey, we find some *Christian* theory to justify its seizure. If the conduct pursued in our aggressions in India, be a true index of Christian morals, we should not lose by a change to Hindooism, which, quite as strongly as any Christian injunction, declares “ Thou shalt not covet thy neighbour’s goods.”

Our rule in India is as much hated abroad, as it is at home, and its friendship is justly deemed as dangerous as its hostility. The utter faithlessness of our intercourse with the native states of India, has left us without a character,

“ A proverb, a bye-word to treachery and crime.”

What is it that stimulates Russia in her course but the known disaffection within our Indian territories? Our policy invites aggression. If the British Empire in India ever pass away, it will be not so much from hostility without, as from the enemy we have raised within.

The Tartars and Russians in their conquests, employed the people of the country in the highest offices of state—our system has been to exclude them from all but the lowest, though we depend on them for every rupee, which finds its way into the exchequer. It is remarkable that since it has been declared by law, that “the disability from holding office in any subject of the Crown, by reason of birth, religion, descent, or colour, should no longer continue,” the exclusion has been more stringent than before—as if the law was made in mockery. Still more remarkable is it, that the men who have been mainly instrumental in setting aside the law, are they who admit that no less than 97 per cent. of the business of the country is done, by native functionaries. In the earlier days of our Indian Empire, natives were employed in the most important and confidential posts; our regiments were officered by natives, and we had native agents and representatives. Indian patronage was then not so valuable as now, and Indian salaries were more moderate. In proportion as the legislature has opened the public service to the native, has the Government of India opposed itself to their employ-

ment; and the only result of the recent native Magna Charta, has been to open to Europeans, offices which were intended for the natives of the country. Owing to the exclusion of the natives of the country from offices of trust, we are without the means of knowing what passes in the country, and are as little informed of its wants. A serious outbreak is often the first warning of disaffection—the mutiny at Vellore, bruited as it had been for many days, in all the bazaars of India, was not known to the Government, until the intelligence had reached it of the slaughter of our troops and countrymen. The irruption of the Santals found us as unprepared!

The author of the pamphlet assumes, that the people of China will have opium, in defiance of the laws of the Empire; that wherever there is a demand there will be a corresponding supply; that the doctrines of Adam Smith, are more to be relied on, than the most obvious truths of religion and humanity; that monopoly in the abstract implies restriction, and therefore the opium monopoly of the East India Company, ought to be upheld. He omits from his inquiry, how far the laws of China would have prevailed against the influx of opium, if the traffic had not been fed by the East India Company, who prepared the drug to suit the tastes of the Chinese, and then forced it upon the country, by armed vessels, protected by the British flag. The quantity of opium imported into China,

from our Indian territories, in the year 1780, did not exceed 200 chests; under the fostering aid of the monopoly, and by the conversion of the civil service into manipulators of "poison," it has increased to 80,000 chests per annum. What was said of Rome, may be said of the opium trade, "*Res—quæ exiguis incepta initiis, eó crevit, ut jam magnitudine laboret suâ.*"

We are told that if the monopoly were abolished, "opium will go to the market, of all qualities, good, adulterated, and spurious; that the trade instead of being prosecuted by merchants of credit, with capital sufficient to purchase a high priced article, prepared specially for the market, will fall into the hands of adventurers, needy, reckless, and desperate." To the same effect, one of the Company's official examiners of opium writes, "the great object of the Bengal opium agencies, is to furnish an article, suitable to the particular tastes of the population of China." Here we have a combination of the huckster and ruler, in the person of the Indian Government; and the representative of the Crown of England turned into, not merely a compounder of medicine, in which light opium was first admitted to the tariff of China, but the systematic panderer to the supply of an article, denounced by the laws of the Empire as contraband and as poison.

Opium was a recognised article of commerce in China, until the year 1796, and would have

remained so till now, but for the enormous and rapid increase of its consumption, and the consequent drain of silver from the country. The medicinal virtues of the drug, are much extolled in the writings of the ministers of the Chinese Government, and its consumption is now so general, that it is admitted by the Chinese Government itself, that all attempts to exclude it are futile. The ablest of the Chinese ministers avow, that "it is impossible to cut off the trade." The Missionary Medhurst, writing in the year 1842, says, "The traffic does and will increase, notwithstanding the most violent and sanguinary edicts to the contrary; the utmost efforts of the Chinese, to prevent the introduction of opium, cannot prevail against the native smugglers; opium is not only regularly introduced, but openly sold, in all parts of China; notwithstanding the prohibition, opium shops are as plentiful in some towns of China as gin shops are in England."

In a memorial addressed to the Emperor of China in 1836, a Chinese authority of high rank states, that "the trade is carried on from Canton to Chinese Tartary; receiving ships, full of opium, are stationed at Lintin; the custom houses and military stations are literally stopped with bribes; armed smuggling vessels ply up and down the river, and if they chance to meet with the cruisers of the government, they beat

“ them off with bloodshed and slaughter. Multitudes of the people have but little fear of the laws, while they use every device to escape punishment, and are eager after gain ; indeed, the laws are sometimes utterly without effect.”

The remedy suggested by Mr. Medhurst, and by many others, is, that “ the East India Company should discontinue the growth of the poppy within their territories, and prohibit the transit of opium from native states, through their dominions.” In despair of being able to effect this, and placing no reliance on the vigour of the Chinese laws, “ which though sufficiently severe, the traffic increases at the rate of four thousand chests per annum,” he suggests that “ the British public be appealed to, that the cry of ‘ no opium ’ be raised, and made as loud as the cry of no slavery, until the voice of humanity prevail, and end in the abolition of the whole system.”

Not many years ago, the Hong merchants were called upon by the Chinese Government to give security, that the vessels of the East India Company, admitted to Canton, had no opium on board. At this period the captains of the Company’s ships were forbidden, on pain of dismissal from the service, from engaging in the trade. As long as the East India Company had the profits of the tea trade, they could bear to submit to such conditions. When they ceased, the profits of opium were the welcome substitute, by



which they recruited their armies, and carried on their wars against their unoffending neighbours.

From the earliest period, the East India Company has been engaged in the commerce in opium, carried on with the Chinese. So long ago as 1781 A.D. they sent an armed vessel freighted with opium to China, the proceeds of which were paid into their treasury at Canton; afterwards, in the year 1794, they stationed a large vessel at Whampoa, laden with opium, as a *depôt*. It is from this period, that the trade assumed importance, and that the attention of the Chinese Government was drawn, to its demoralizing effects. It is fair to observe, that the India Government is not alone chargeable with the introduction of the drug into China; if it were, the question would resolve itself into very narrow limits. Opium has long been grown in China itself, and its cultivation extends throughout, some of the largest provinces of the empire. It has been introduced into China by the Americans, and by others from Turkey, and other countries, and its use is as common among the people of all parts of the country, as that of gin among the people of England. The opium which is raised in Malwa, and other native states of India in alliance with us, finds its way to Bombay, whence it is exported to China, under a custom duty so heavy, as to produce an amount of smuggled opium equal to the quantity which passes under the ordinary custom dues.

Were the East India Company to stop the cultivation of opium, within their territories, if such were possible, the result would be but to enrich the ryots of other countries at the expense of their own, without in the slightest degree checking the consumption in China. The first introduction of tobacco into England, encountered as much prejudice, as that of opium into China; various means were employed without effect to check its consumption, which has ever since been gradually increasing. Considerations of revenue compelled a prohibition of the cultivation of tobacco in England, and its importation has long been under a custom and excise duty; a system to which the Emperor of China sooner or later must resort, or abandon entirely his control over the sale and consumption of opium. To stop the introduction of opium, against the plainly manifested will of three-fourths of a nation, would not be within the compass of any government, and least of all of one so imbecile as that of China. As well might the petty potentates of the German Empire, attempt to eradicate the use and cultivation of tobacco, from their territories.

“ High and low indulge in the luxury, and  
 “ neither bolts, bars, nor stripes restrain them; all  
 “ feel an interest in the promotion of the traffic,  
 “ and all alike brave the laws to obtain it. Men  
 “ submit to the severest punishments rather than  
 “ betray the source of supply.” In a state paper

by the counsellor Choo Tsun, we find, “ the poppy  
 “ is cultivated all over the hills and open cam-  
 “ paign, and the quantity of opium annually  
 “ produced there, cannot be less than several thou-  
 “ sand chests.”

Opium being now an article of commerce in all civilized countries, it becomes a question why the supply drawn by China, from the territories of the East India Company, should not be regulated by laws which apply to other subjects of commerce, and whether the aid and interference of the officers of the East India Company are really required, for “ a pure supply of opium to accommodate the “ tastes of the Chinese;” whether the ryots and merchants of India, are not in a condition to provide a supply, which in quality and in quantity shall meet the demand of the Chinese, and thus absolve the Indian Government from an office, which places them on a level, with the lowest criminal, who at worst but violates the law for gain.

If it be admitted that the morals of trade, are less a subject for the law-giver than its profits, it would seem that the East India Company had done enough, if taking the ordinary dues of the sovereign in the shape of land-tax and customs, it left the choice of production to the cultivator, the exportation of his produce to the merchant, and the result to the government of the country which imported it. To prohibit the cultivation of opium, in order to satisfy the requirements of

Chinese morality, would seem as rational as to prescribe a limit to the use of gin or wine, because they occasionally lead to drunkenness and violence. A comparison between the effects of opium and of gin exhibits, the opium-eater, as the enemy of himself alone; the gin-drinker, as the enemy of all around him.

Opium is cultivated in the territories of the East India Company under a licence. The ryot receives an advance from the revenue officer of the district, and engages to deliver to the Government, all the opium gathered from his gardens. Those who have not the licence, are excluded from a profitable use of their lands, and from a market which is open to the rest of the world. It is not an agreeable reflection, that the representative of the British Crown should enter into engagements with men, in the low condition of the Indian cultivator, in order to pander to a trade, which is open to the objections which have been urged against the trade in opium.

The ryot is not ignorant of the character of the trade, while the Chinese Government ask, " Shall we open our ports to wholesale smugglers and to  
 " wholesale dealers in poison—shall we put these  
 " foreign smugglers and murderers, on an equal footing with our own peaceable and injured subjects;  
 " shall we deal with them, or communicate with  
 " them, as if they were honest men?" The Chinese are loud in their expressions of contempt for us as

a nation, "which, professing to be governed by the principles of mildness and equity, lends itself to measures capable of demoralizing a whole nation, and condescends to derive a profit from that which ruins myriads." The missionaries speak of the impediments in their path from the opium trade, while the Chinese, as if appealing to our own Scriptures, ask them, how is it possible that a religion should be good, that produces such fruits? To argue that the monopoly of opium, whose sole object is to raise a revenue, is a check to consumption, on which the revenue depends, while every year exhibits an enormous increase of its manufacture and sale, by the East India Company, and to uphold it on such grounds, when every artifice is employed to pander to the taste of the consumer, and thereby increase the consumption, is but adding absurdity to crime.

The salt monopoly is dismissed by the author, with the very off-hand argument, that the average cost to the consumer, is not more than one shilling per annum, and "the experiment which has been made to substitute the scheme of excise for monopoly, has hitherto been without success." He says, "The poorest consumer is taxed but one shilling in the year, paid in such dribblets through the moodee who feeds him, that neither moodee nor coolee can calculate or understand what is paid for the salt." The inhabitants of the country who reside on the sea coast, are sup-

plied with salt raised almost at their own doors ; it reaches others after a land-carriage of many hundred miles. To labour a refutation of an argument which so amply refutes itself, would be a waste of time. Admit the average, and the result is to exhibit a heavy charge on the family of a labourer, whose wages on the most liberal scale, seldom exceed the sum of £.2 10s. per annum.

The petition of the British Indian Association from Calcutta, addressed to Parliament in 1852, asserts, " The dearness of the article induces even  
 " those who live near the salt manufactures, to use  
 " the earth scraped from salt lands ; while those  
 " who live in the interior, have recourse to the  
 " alkali found in the ashes of burnt vegetables.  
 " As salt is a necessary of life, the duty ought to  
 " be taken off as soon as possible." The inhabitants on the sea coast are loud in their complaints, against the monopoly, which prevents the curing of fish, for purposes of commerce, and deprives the poor of the interior of the country, of the only substance, in the shape of animal food, which comes within their scanty means. The following is an extract from a report on the salt monopoly, addressed to the Madras Government, in the year 1837, by one of its principal revenue officers—" A  
 " monopoly in a necessary of life, would be esteemed  
 " an evil, in any part of the world, unless, as in  
 " Russia, its object was to furnish the article, at  
 " an equal and universal price. The people of

“ Hyderabad, I have understood, pay a thousand  
 “ rupees for the same bulk, which costs on the sea  
 “ coast, little more than a hundred. The increase  
 “ of price, which took place in the year 1829,  
 “ from 70 to 105 rupees per garce, has led to  
 “ diminished consumption, or to an increase of  
 “ smuggling, as shewn by the revenue result, which  
 “ bears no proportion, to the increase of price.”

In England salt is consumed free of all tax ; it once bore an excise about forty times its own cost, which brought its selling price to a level with the monopoly price of the East India Company. So exorbitant a duty was found to be productive of the worst effects, and occasioned a vast deal of smuggling ; the opinion of the public and of the House of Commons being strongly pronounced against it, the tax was repealed in the year 1823. If a rich country such as England is unable to bear a tax on salt, it is not easy to understand how the poor of India should be able to bear one.

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GOVERNMENT OF INDIA.

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S P E E C H

OF

MALCOLM LEWIN, Esq.,

DELIVERED AT

THE QUARTERLY MEETING OF THE COURT OF PROPRIETORS  
OF THE EAST INDIA COMPANY,

ON

WEDNESDAY, DECEMBER 19, 1855.

---

L O N D O N :

EDWARD STANFORD, 6, CHARING CROSS.

1856.





## GOVERNMENT OF INDIA.

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*Mr. Lewin.*—In submitting the Motion, of which I have given notice, I shall not occupy the attention of the Court for a longer time than is absolutely necessary ; as I cannot expect, from the nature of the subject, that Honourable Proprietors will lend me a very patient hearing. The terms of the motion go to the annihilation of the Court of Directors itself, and I may therefore admit that that is the object I have in view. It may be said that I have a feeling of hostility towards the Court of Directors, which undoubtedly I have to them as a body.—It may also be said that I am ungrateful. I deny it. I owe the Company nothing. I have served the Company, and I have received its money, and thus our accounts are balanced. I have not received more than I was entitled to ; I am, therefore, a perfectly free agent. The motion states, “that in the opinion of this Court the present system of Indian Government is unsuitable for its purposes ; that it assures neither efficiency, responsibility, nor redress ; that under it the grossest abuses are permitted to exist unchecked throughout our Indian territories ; that the sole medium of placing our Indian administration on an intelligible basis, is a perfect transfer to the Crown, by which the

jumble of two authorities (being as respects each other's powers unknown quantities), will be abated, and the needless expense of the Leadenhall-Street Establishment saved to the territorial revenues of India." I think it will be admitted that every Government is unsuitable for its purposes, which has never been applicable to its purposes. You pretend to govern India, but in what respect you do so, it would puzzle anybody to find out. It is true you initiate, but we know that the Board of Control over-rides you entirely. In point of fact you are not an independent body; one reason for which is, that you have not a body of men in your Court who are able to face the Government. Had the Proprietors appointed fit men for Directors,—men acquainted with Indian interests, the Court of Directors would then have formed such a Government for India as no Government at home could have hoped to equal, or dared to interfere with. But instead of that, what course have you pursued? You have elected men without reference to their qualifications, and the consequence is, that the Board of Control treats you with absolute contempt. I could refer you to many instances in proof of this. Not long ago an Honourable Proprietor, Mr. Brown, brought forward a motion, having for its object a grant of compensation to certain parties, on account of some abortive steam communication scheme in Calcutta; both the Court of Proprietors and the Court of Directors were in favour of the proposal, and it was agreed between them that a sum of £5000 should be awarded as compensation. What was the

affairs of India rests." That is the truth. Lord Ellenborough, on a subsequent occasion, said,—"The President of the Board of Control can now overrule the Directors," that "they can do no more than express an opinion," and that "they have, in fact, no authority." He said that "with a Court of Directors at one end of the system, and a President of the Board of Control, with a large body of intelligent clerks at the other," he could not say how the government was conducted ; but added, "I know when I was at the Board of Control I conducted the government; there is no doubt about that." Now, if Lord Ellenborough conducted the government, I should like to know the necessity of the Proprietors keeping up such an establishment as this? Or rather, I should like to know whether the Proprietors ever considered a capacity for conducting a government the first requisite in electing a Member of the Court of Directors? Do the Proprietors exercise their franchise only in favour of men who possess the proper qualifications for governing India? Not at all !—For further detail, as to the system by which the Government of India is carried on, I would refer gentlemen to Mr. Dickinson's pamphlet. It would take up too much time to read the different passages which refer to this subject, but I beg to point out, that under that system, almost all the real work is carried on by irresponsible clerks. The preparation of despatches is thrown into the hands of the clerks at the India House, and that of altering them into the hands of the clerks at the Board of Control. When I

use the term "clerks," I mean no disrespect towards those gentlemen, because I know that many of them are men of eminent ability, and more capable of discharging the duties devolving upon them than yourselves. Having referred you to these several points, with a view to show that the Government of India does not in reality rest in your hands, I will now refer to what are the attributes of government, and then inquire whether, and to what extent, you possess those attributes. One attribute of a Government is the power of appointing its own servants; but by the recent Act of Parliament, you no longer have that power. No person can be appointed to the civil, the military, or medical service of the Company, until he has undergone a special examination, by examiners, not appointed by yourselves, but by the Board of Control. You are also, by the same Act, deprived of the power of appointing the Advocate-General, your own law officer: the 29th section of the Act declaring that no appointment of any Advocate-General by the Company shall be valid without the approbation of the Board of Control. I would ask any Honourable Proprietor whether he, as a client, would consent to have his lawyer appointed at the instance of another man? Nothing shows more strongly the want of confidence, on the part of the Government, in your body, than thus taking from you the power of appointing your own law officer. Then as to the power of appointing Members of Council. By this Act you cannot appoint any Member of Council, without the authority of the Government.

How did you exercise the power of appointment when this Act was not in force? I know, of my own knowledge, that in Madras there were two gentlemen, who went by the names of Noodle and Doodle, appointed to Council, who amply responded to the soubriquet. It is well known that you have appointed men to Council, not because they were fit for conducting the business of government, but because they served to keep things smooth, and would not differ from your Governors. Most unfit men have for that purpose alone been appointed by you. I will not allude to particular individuals obnoxious to this imputation; but there is one individual to whom I will allude, because he was a man well fitted for the office; him you threatened to remove; I allude to Mr. Chamier, who is allowed on all hands to be an able and well qualified man. Because he in some matter disagreed with the Government of Madras, you told him that if his term of service had not nearly expired, you would have removed him. You have not only lost power in the appointment of your servants, but the Board of Control have acquired a power over them, and may remove them at discretion. I have said in my motion, that the present system of the Government of India is a "jumble," and that no one understands where the real authority rests. When a person in India has any grievance to complain of, he comes to this country, but knows not where to apply for redress. He is either sent back to India, or he goes to the Board of Control, or to the Court of Directors; finding no redress, his

last resource is to try what intrigue will do. It is notorious that private influence is resorted to on all occasions, and that persons having grievances, trust more to that than to anything else. Although I have already, in the remarks I have made on the motion of Mr. Whiteman, referred to the loss of power, on the part of the Directors, not only by the Act of Parliament, but by the Proprietors themselves appointing unfit men to the Court of Directors, I will make one observation here in regard to what fell from the Honourable Chairman on that subject. He deprecated any attack upon the most absolute freedom of election by the Proprietors. I was glad to hear that sentiment, which I have no doubt is the real sentiment of the Honourable Chairman, who I believe, as an individual, is a liberal man; but how widely different is this from the practice that has hitherto obtained! I must make one more observation about the Court of Directors, because the constitution of that Court now forms the subject of discussion in the newspapers in India. I have some of those papers here, in which the Court of Directors is spoken of in the most unmeasured terms of reprobation. I will not, however, read all the remarks; first, because of their length; and next, because of their personalities; the gist of them is, that persons have been appointed to the direction, in many instances, so unfit, that really good men have refused to sit under them. I have frequently heard surprise expressed, that some of the men now in it should have consented to sit in a Court, presided over as it has been. The or-

dinary ground for appointment to the Chair, is the Honourable Director having been for a long time a Member of the Court. I believe it is a fact, that the choice of the Chairman of the Court has been for a number of years entrusted to one gentleman, less known in India than in the world of commerce—I mean Mr. Wigram. I believe that that gentleman has in effect long named the party who should be appointed to the Chair. And now with regard to the Proprietors, and the way in which they have discharged their duty. I have already anticipated the observations I intended to make on that subject by what I said when taking part in the discussion of the motion of Mr. Whiteman; I cannot, however, avoid observing again how much it has been a part of the system to elect men to the Direction without any reference to their qualifications. So much has this been the case, that a sort of vested right has been acquired by the members of some mercantile houses in the City to seats in the Court of Directors. So long as the East India Company retained its commercial character there might have been some pretence for this; but all that ceased on the renewal of the Charter, which took from it that character. But, notwithstanding the change, the periodical elections have gone on upon the principle of advertising and voting for the “Outs” against all the world. And for maintaining the system the Directors had a good and sufficient reason; they were afraid lest the removal of one stone from the rotten fabric would cause the downfall of the building altogether. I will



now advert to the object which the Government must have had in view when introducing the changes which have been recently made in the constitution of the Court of Directors. Viewing the conduct of that Court, in all its parts, we find that it has always been opposed to progress; and that hardly any good measure which has been adopted for India has emanated from them, or which has not been forced upon them by Parliament. I will refer to Free Trade, and to the China trade; I will also make a remark on the Opium trade. A pamphlet has recently appeared on the latter subject, by which it will be found that the Emperor of China was a more perfect Christian in his views than ourselves, in reference to the use of that baneful poison. The Emperor of China, who had remonstrated in the strongest manner against opium being smuggled into his dominions, when urged to grow the poppy on his own soil, nobly declared that nothing should induce him to derive a revenue from the vice and misery of his people. Look also at what has been the conduct of the Directors towards the press. What was their treatment of Mr. Buckingham? That individual was driven out of India and ruined, merely because he wanted to give the people of that country the inestimable benefit of a free press. In his case you completely stultified yourselves. You first ruined the man, and then found it necessary to pension him. Whether the same persons were Members of the Court of Directors when these two most opposite measures were taken, I cannot say; but they at all

events show how unwilling the Court has ever been to promote any means of progress in India. Take also the case of Lord Metcalfe, who was acknowledged on all hands to be a great man; you kept him in the background, because he freed the press of Calcutta. The consequence was, that when he came home the Government were obliged to acknowledge his services. He was appointed to the Government of Jamaica, and afterwards to the Government of Canada, and in both situations proved himself to be a most able Governor, and showed that you had lost one of your best servants, simply because you would not allow measures to be carried out for the benefit of the country. Secrecy was your object, as it has always been the object of the Indian Government. I will refer to what has been written on this subject, and published in an Indian newspaper called *The Friend of India*. "It is (says the writer) the perpetual aim of the Court of Directors to throw a veil of profound secrecy around all their counsels and measures;" adding, "that any disclosure by any of the functionaries of the state is severely resented, and condemned in no measured terms." It is utterly impossible, without secrecy, that the abuses of the Indian Government should so long have continued. In further proof of your constant opposition to progress, I may refer to your opposition to steam navigation. You kept up a system of passports. Every gentleman who has been to India knows the endeavours that have been made to prevent Europeans from getting into that country.

No man could go and settle in India for commercial purposes without a license, difficult to be obtained; and yet those European settlers have proved themselves of the greatest service to the country, and the revenue of the Government has been increased by the employment of their capital, while they are also known to be among the best conducted people in India. By their means the worst products of the market has been converted to the best. The next subject to which I will call your attention is that of education. A few experiments have been lately made for promoting that object, but it is only recently that the small sum which was granted by Parliament in 1832 has been drawn upon for that purpose, and the whole of it has not yet been expended. I will now say a few words about the natives of India. Your unjust treatment of them has created great discontent throughout India. I have here three newspapers, all published in India, in which they speak of the great desire that exists to get rid of you. I will read a passage from *The Englishman*, published in Calcutta, which represents the feelings of the natives as well as of Europeans. "If (says the writer) anything were wanting to complete the proof of the systematic deception and falsehood practised by the East India Company, when their own misdoings are in danger of being exposed, it would be supplied by Mr. Lewin's pamphlet." (A laugh.) I do not wish to puff my own pamphlet, one which was written by me on the subject of torture, and of which I shall say a word or two presently. After quoting certain passages from

that pamphlet, the writer thus concludes:—"We call on the people of Great Britain no longer to neglect their duty in this great cause, but to come forward and demand with one voice the utter abolition of the East India Company." I have also a copy of the *Hindu Intelligencer*, which contains this passage—"The people of Madras have petitioned the British Legislature to take away the government of this country from the hands of the East India Company, or more properly speaking, the Court of Directors, and place it in those of a responsible Minister of the Crown." This would put India on a footing of equality with Her Majesty's other Colonies, the affairs of which are administered by a Colonial Secretary. Then we have a petition from Madras for a transfer of the Government of India to the Crown; and I have good reason for supposing that that transfer will take place at no very distant day. Your illiberal treatment of the natives has excited a feeling of discontent throughout India. Why, for instance, should a system of covenanted service be maintained? The natives are as competent to hold office as any European. They are, in fact, the persons who perform the chief offices in relation to the revenue. Without their assistance you could not collect a penny. The statistical reports of their decisions as judicial men have shown that they are even superior to the decisions of our own servants. They have equal jurisdiction with our own Judges, and the appeals from their decisions have been less frequent than appeals from those of the Company's servants, whilst corruption

amongst them has been quite as unfrequent as amongst ourselves; and yet we deny to them the right of entering the covenanted service. Keeping up the prejudice of caste and colour, we shut them out of Council, and refuse to them the right of popular representation. In the last Parliament it was insisted upon that the natives of India were not fit to be entrusted with high judicial office; and Mr. Halliday, in his evidence before the Committee, threw discredit upon the natives, and yet he was the very first man to appoint an uncovenanted officer to a covenanted judicial office. It is true you have given them the right of passing an examination in England for the covenanted service, but at the time you did so you knew it was only a nominal right, as they could not take advantage of it. Instead of giving the Government in India the power of selecting men for office, you have confined the selection to the Government at home. I defy contradiction when I state that the natives of India are as fit to exercise power as ourselves. We know their ability, and all who have dealt with the natives must know perfectly well that there is not a situation in India which they are not qualified to fill. I am speaking in the presence of an Honourable and Gallant Proprietor, General Briggs, who can contradict me if I am wrong, but I appeal to him whether what I now state is not correct.

*General Briggs.*—I affirm what you say.

*Mr. Lewin.*—I have received letters from various members of the Indian community, who say—"It is true you have thrown open the door to us, but it is a mere sham, a mockery, and a delusion, because you know that we have not the means of availing ourselves of the offer." I quite agree with them that throwing open the examinations in England to them is a perfect farce; besides which there is really no necessity for it, because there are institutions in India where the natives can be just as well educated as in this country.

*Dr. Beattie.*—I rise to order. I think the Honourable Proprietor is travelling very widely from the subject, and is somewhat trespassing upon the time of his audience.

*Mr. Lewin.*—I am speaking quite in order. I am giving my reasons why I think the present Government of India should be dismissed, and am pointing out its defects. If that is not in order, I do not know what is.

*The Chairman.*—The Honourable Proprietor is quite in order.

*Mr. Lewin.*—I suppose every gentleman in this room will recognise the principle, that the object of Government ought to be the improvement of the people. I do not think it right that we should go to

a country, and take possession of it, without giving to the people of that country the best government we can. And not only so, but that we ought to teach them the way to govern themselves. But so far from acting upon this principle, we have on the contrary kept them out of every superior employment. They are in no respect placed upon a level with Europeans, they are in a state of vassalage, and are despised by us because they submit. I will now allude to another subject, and one which has lately excited much interest, I mean the practice of judicial torture in India. At the last Court day, I asked whether the Report of the Torture Commission would be laid on the proprietors' table, when the Chairman said he did not know whether it would be or not. Torture has been going on in India for many years. It has paralysed the judicial service in that country entirely. No judicial officer can come to a decision without the danger of doing injustice. Torture in India is now as completely a part of the judicial service as any other part of the service itself. But, notwithstanding loud complaints on this subject, the Court of Directors have not taken any means to put an end to the practice. The House of Commons lately compelled a commission of inquiry, but the Indian Government might have appointed a commission many years ago, if they had chosen to put an end to it. In 1840, I addressed a Report to the Madras Government, in which I stated that "various means of coercion had come into play, which had so fixed themselves in police operations, that they were as

regular and habitual as any other part of their duties," and I made a suggestion that a general police inquiry should be instituted. I observed—"As I am convinced that a general inquiry into the state of the police of the country is necessary, in order to put it in a form adequate to the wants of the country, and as I firmly believe that the subject, from its size, offers innumerable difficulties to its being adequately treated by the authorities before whom it must now come, who are known to be already overwhelmed by their present labours, I would beg to submit the suggestion, that a general police inquiry be instituted, as the only medium through which any practical result can be arrived at." Now this Report was written in 1840, and contains some of the cases I met with during the five years in which I was a Judge of Circuit, at Madras. I will reserve a great deal of what I have to say on this and other subjects till another time, as I see that gentlemen are becoming impatient. It is my intention to pursue the subject. I wish to see accomplished the abolition of this Court, because I do not think it in any respect answers its purpose. It is idle to talk of correcting a court such as this. The evil can only be corrected by extinction. I will say a word before I conclude, on the subject of our Indian aggressions. We are accustomed to speak with indignation of Russia as an aggressive power; but the acts of aggression which have taken place under the government of the East India Company surpass all that Russia has ever committed. It was a



saying of Mr. Burke, that "we never made a treaty that we have not broken." I believe that that is true. What has been our conduct in the Mysore Country, which at the present moment ought to be in the hands of one of the native Rajahs? At the time we took possession of it by treaty the revenue had fallen below a certain amount; but it was stipulated that when the revenue rose, the country should be restored to its former possessors. The finances of the country did rise, but we still retain possession of Mysore. What again, has been the result of all our subsidiary forces? Whenever we contemplated the ruin of any country, we began by subsidizing it. I may refer, as a proof of this, to our conduct in Hyderabad. There are many other topics to which I could wish to refer, but I am desirous not to detain the Court. I might have called your attention to our system of absorption, which, in the opinion of the Duke of Wellington, "instead of raising, degraded and beggared the natives, making them all enemies." I might also have referred to our conduct towards Sattarah and Jhansi; but I hurry these over and observe, generally, that the whole course of our policy has been one continued system of aggression and plunder. Look at our conduct with respect to the obtaining possession of the Koh-i-noor diamond. It has often surprised me that Her Majesty should have been advised to accept property acquired in such a manner. It was the opinion of my lamented friend Mr. Sullivan, that it was a most unjust acquisition, and that it involved the greatest indignity to offer a thing

so acquired to our Queen. It has been said that its possessor has been always unfortunate. I will not trouble the Court with any further observations. The subject is one which I shall pursue until I can get the Court to come to some issue upon it. My belief is, that giving expression to public opinion on these great questions, is the way and the only way to induce the natives of India to stand forward and vindicate their own rights. They have hitherto been treated as vassals and as slaves by you. Had they been treated differently, and as they ought to have been treated, their position would be very different from what it now is. I beg, Sir, to move the resolution that has been read by the Secretary:—

“That, in the opinion of this Court, the present system of Indian Government is unsuitable for its purposes; that it assures neither efficiency, responsibility, nor redress; that under it, the grossest abuses are permitted to exist, unchecked throughout our Indian territories; that the sole medium of placing our Indian administration on an intelligible basis, is a perfect transfer to the Crown, by which the jumble of two authorities (being as respects each other’s powers unknown quantities) will be abated, and the needless expense of the Leadenhall Street Establishment saved to the territorial revenues of India.”

*Dr. Beattie* having opposed the motion.

*Mr. Lewin* said in reply:—The principal argument urged by the honourable proprietor (*Dr. Beattie*), is

that the services in India are good. I never denied it. He says, that if the government of India were in the hands of the Crown, the great virtues now exhibited by the present Indian Government would be lost, and that the best interests of the people of India would be in peril. I differ from him. Whatever good has been conferred on India has come from the Crown. It seems indeed wonderful, that the services of India should be so good as the honourable proprietor represents, when it is recollected that they have never received the least protection from the Court of Directors. They have never countenanced their own army; and there has not been a single commander-in-chief appointed out of their own service. When the conduct of Sir John Littler was, by the inadvertence of the Duke of Wellington, impugned in the House of Lords, what did the Court of Directors do to protect him? Why, they did nothing; they appointed him to the Council as a sort of sop, they did nothing to vindicate his military reputation. You ought to have procured his vindication in the same place in which his conduct was impugned. The honourable gentleman has said that the people of India have prospered under our rule: but what has been your commercial policy? Your whole system has uniformly been one of exclusion and monopoly. Your policy shut out Indian cloths from this country, and English cloths from India, and what was the consequence? Cloth in India was so dear that the natives were left unclothed, while the native population were left unemployed on their home

productions. Again, so stringent and anti-commercial was your policy, that you would not allow ships to go to India ; and when ships of 350 tons were first allowed to go there, they were prohibited touching at any port but the Presidencies, so that merchants who had settled at the small ports, were obliged to send their goods to Bombay or Madras for shipment to England. In short, you offered every impediment to commerce. By whom were the Reports on Public Works, on Irrigation, and on the growth of Cotton, obtained from India and made known ? They came from the House of Commons, not from you. You preferred ignorance to knowledge. Whatever good has been done for India, has been the result of the inquiries made on the periodical renewals of your Charter, which inquiries have brought forth information which you have always endeavoured to suppress. What have you done for India in the shape of roads ? Not until lately have you devoted any attention to their construction. What, again, have you done in respect of railways ? Nothing until lately. It is only since the public have become acquainted with what are the wants of India that these works have been entered upon by you. But you have long known what was wanted in that country, from the reports which your own servants, coming from India, have made to you ; but their representations have had no influence upon your conduct. The consequence of which is, that you have made your rule hateful to the people, and to everybody acquainted with its results. Those who read the newspapers must

see that there is discontent and dissatisfaction prevailing in that country, from one end of it to the other. It is impossible to deny this. And those who read the papers must also foresee the end of the aggressions which have been made by Lord Dalhousie—seizing everything he can lay his hands on; and who will leave a mine behind him, that will at no distant day explode, and scatter ruin all around.

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*(From the Times.)*

LONDON, FRIDAY, DECEMBER 21, 1855.

While a new debating body has just sprung into existence in the metropolis we have recorded a rather remarkable discussion in that ancient and rather obsolete assembly, the Court of Proprietors of the East India Company. It is seldom indeed that we find anything worth comment in the proceedings of the Court of Proprietors, where some disappointed East Indian generally regales the public with harangues about the wrongs of the Rajah of SATTARA, or exposes the flagrant iniquity of not having invented a new Royal House to take the place of the extinct family of BERAR. The second subject discussed at the meeting of Proprietors on Wednesday was, however, the absurdity of continuing any longer the system of double government, and assuredly the speaker did not lack argument to support his conclusion. He denounced the double government as possessing neither efficiency nor responsibility, as permitting gross abuses to grow up and continue, and as ruinously and unnecessarily expensive. To us it appears that the three years that have passed since the last India Bill have materially

advanced this question towards its final solution. During that time the wants and demands of Indian government have almost entirely changed. Slowly and reluctantly, with infinite rubbing of the eyes and averting of the face from the unwelcome beam, the Home Government and the Indian Government have begun to perceive that the ideas and principles which sufficed in former times for the management of our Eastern empire will suffice no longer. Energy, rapidity, and decision—principles of revenue and taxation on a level with those of the most enlightened European Governments—a reduction of salaries to something which may more nearly than hitherto approach to the market-price of the talent that is demanded—an expenditure economical in some things, in order that it may be generous and liberal in others—a complete revision of the system of administering justice which shall combine at once simplicity and efficiency—a thorough review of the land question and all its incidental extortions and enormities;—these and many similar questions are forcing themselves upon the attention of the Home Government, and bewildering it by their magnitude, complexity, and urgency. In the meanwhile our object seems to have been to create as many obstacles as possible in the way of rapid and consistent improvement. In India the last Act has placed an additional clog on the movements of the Government, by enlarging the Legislative Council, and giving it the dimensions and the functions of a deliberative body. The effect of thus intrusting the making of laws to men occupied already with an overwhelming amount of business seems likely materially to check the course of useful legislation, and to raise up an opposition rather official than constitutional, and thus to delay and obstruct in a much greater degree than formerly the progress of useful legislation. The hand that has held the reins of government so firmly and for so many years, is about to relinquish them, and the loss that India will sustain

may be estimated by the slow and irresolute measures which have suffered the Santal rebellion to continue for so many months the opprobrium and the menace of the Government of Bengal. It should be the task of the Home Government at such critical moments to breathe its own life and vigour into the flagging energies of its Indian deputy; but the Home Government of India cannot inspire life and vigour into others, for those are the very qualities which its constitution forbids it to possess. It is framed on the narrowest principles of jealousy, and the weakest and most exploded notions of checks and balances. At the end of the last century the East India Company had become too greedy, too scandalous, and too unscrupulous to be any longer tolerated in the form of a mercantile association exercising absolute and irresponsible power over India. The form was preserved, but the substance was altered. With the national propensity to adhere to what exists, and rather to encounter any inconvenience or any absurdity than effect any vital or radical change, it was determined that because the East India Company had shown itself unfit to govern it should continue to exercise all the functions of government, only under the control and superintendence of a Minister of the Crown. Any other nation would have reasoned that if this body was so incompetent for its duties that it required another body to take care of it, it were better set aside, and the superintending body put in its stead. The notion of treating a Government of a mighty empire as a lunatic requiring the care of a committee, or a child placed during a perpetual infancy under the custody of a guardian, was a thoroughly English idea, worthy of the nation that had almost declared the Prince of ORANGE a Regent for King JAMES, and still carries on the business of Parliament in the Norman French of the PLANTAGENETS. The effect was what might have been expected—a stagnant and inert conservatism, which seems to

think to this day that it has accomplished all the objects of a civilized and Christian Government, if it does not fall very far behind the ablest of its Mahomedan or Hindoo predecessors. Its standard of excellence has been deplorably low, and, as is generally the case with people who set up to themselves a low standard, humble as its aspirations have been, they have been far beyond its performances. A system of revenue management founded on inequalities, oppressions, and absurdities which AKBAR would have regarded with disdain, is not yet eradicated from the Presidency of Madras, where whole districts of the best land remain desolate because Government exacts a rent too heavy to be paid. Export duties are imposed on Indian produce, and the tools of the artificer must be taxed before they can be used. The administration of justice is burdened with every conceivable technicality, and the practice of the criminal courts seems to rest upon confessions extorted by torture. But, while moving thus slowly in the march of improvement, the relations to each other of the constituent parts of the Indian Government have gradually changed. The Company has become less, and the Board of Control more powerful, and now the same jealousy which invented the Board of Control in order to fetter the action of the Company, seems to retain the Company in order to neutralize, as far as may be, the powers of the Board of Control. To us the whole thing appears to be founded on a confusion of ideas, or rather on the application of that which is true in one case to another to which it has no analogy. Because the system of checks and balances is found to be applicable to legislative proceedings, it is assumed that it must be equally valuable to executive government; whereas, in the first circumspection is more valuable than despatch; and in the second a single mind acting promptly and decisively is the thing most to be desired. The double government is not only inefficient, but irresponsible.



It wears a perpetual mask, and nobody can tell whence its measures proceed, and whether the Company in whose name they are carried on is the unwilling victim or the ready coadjutor of the Board that is privileged to fight behind its shield.



# THE WAY TO LOSE INDIA;

WITH

ILLUSTRATIONS FROM LEADENHALL STREET.

By MALCOLM LEWIN, Esq.

LATE SECOND JUDGE OF THE Sudder Court of Madras, and Provisional  
MEMBER OF GOVERNMENT.

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" SOLITUDINEM FACIUNT PACEM APPELLANT."

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As the event to which these pages refer, is thought by some not far off, I would point my readers to the nearest road to the conclusion.

“India was never more tranquil than now”—all speak of its tranquillity—the same was written of Caubul the day before our expulsion from it—the mutiny of Vellore was ushered in by a similar state of repose—one of our best cotemporaries of the Indian press tells us, in a recent issue, that “Peace and quiet prevail throughout the whole of India.” Some are never less at rest than when quiet: this is the characteristic of the native of India—patient under injury, and prudent where redress is beyond his reach; he broods in silence over his wrongs, bides his time, and watches his opportunity. “*Odia in longum jaciens quæ reconderet auctaque promeret.*”

With all this vaunted tranquillity, the mind of the people of India is unsettled; on one point only is it fixed, that one, the hatred of our rule, which was never more deeply felt, and never more openly expressed.

Until lately, the Hindu had not scanned his own strength nor our weakness—he had regarded us as an invincible if not a moral people, as a race, not to be cut short by the means at his command. A free press and free discussion have combined with the spread of education to dissipate many delusions, and the truth has at length reached him—that Englishmen are like other men, subject to the same weaknesses as other men, and to be overcome by the same means as other men.

India is tranquil; we have no external enemies, every native state capable of plotting against us has been laid low, a few minor states only being left for decency's sake, and to meet the next financial difficulty. It is the inward canker that gnaws our vitals; we have raised an enemy within, more dangerous and more powerful than the native princes we have dethroned and plundered; in place of foreign enemies, we have the inhabitants of all India in hostility to our rule; we have to contend with the results of universal poverty and misrule, with the social degradation of all classes, with the disaffection that ever follows in the wake of insult and oppression.

An English gentleman writing to me in April last, from the seat of Government in India, says, " Only yesterday I heard the bitterest hatred of the English expressed in the most unmeasured terms, contemptuous and indignant, by one of the first natives here; this by a man of singular

“ power of intellect, speaking and writing many  
 “ languages with equal facility, and, on account of  
 “ his intellectual attainments, lately noticed by the  
 “ Government. ‘ The word of the English,’ said  
 “ he, ‘ was formerly as it were engraved upon  
 “ ‘ granite, now it is written in water ; so long as it  
 “ ‘ was politic to keep faith with the natives, who  
 “ ‘ could be more observant of your faith than you  
 “ ‘ English ? now that you have the country at  
 “ ‘ your feet, you have fairly thrown off the mask ;  
 “ ‘ you may not believe me, but I swear I would  
 “ ‘ lay down my head this minute (suited the action  
 “ ‘ to the word), if I could one whit raise my  
 “ ‘ countrymen from their present condition. It is  
 “ ‘ the repose of a corpse, dead, degraded ; there is  
 “ ‘ no need to conceal it, we hate you and you  
 “ ‘ deserve it.’ This is no historical Thucididean  
 “ speech, but word for word, as nearly as I can  
 “ recollect, what he said ; and I believe it fairly  
 “ represents the feelings of the natives towards us,  
 “ and I for one echo his words, we deserve it.”

Where a country is sunk in poverty,—where  
 industry is not stimulated by a return,—where  
 existence is but a passage to another state,—  
 where a people legally free are in the subjection  
 of slaves, the seeds of disorder inherent in such  
 conditions cannot long be germinating. A sense of  
 wrong may for a time remain torpid, and the  
 power of resistance for a time lie hidden ; but  
 sooner or later a thirst for vengeance must arise,

and with it a strength beyond the means of any government to control. Even the slaves of America, obtuse as they are said to be, look forward to a day of retribution and justice. How much more must a people like the natives of India, enlightened by science and education, feel restless under a treatment (at once unjust, and unsanctioned by any precedent of a conquered people,) which levels them with the slave, and insults them with legal freedom. “Hath not a Jew eyes? Hath not a Jew hands, organs, dimensions, senses, affections, passions? Fed with the same food, hurt with the same weapons, subject to the same diseases, healed by the same means, warmed and cooled by the same winter and summer,—as a Christian is? If you prick us, do we not bleed? If you tickle us, do we not laugh? If you poison us, do we not die? And if you wrong us, shall we not revenge? If we are like you in the rest we will resemble you in that. If a Jew wrong a Christian, what is his humility? Revenge. If a Christian wrong a Jew, what should his sufferance be by Christian example? Why revenge. The villany you teach me I will execute, and it shall go hard, but I will better the instruction.” I leave the moral to my readers.

The recent disaffection in the Indian army has attracted much less attention than is due to it. It has been assumed that the sepoy is so separated



from the people as to have sunk all feeling of country in allegiance to his military garb. The argument is not merely unsafe, it is absurd. The army of India is composed of men gathered from all parts, of all castes, and of all tribes; if the citizen is occasionally forgotten in the soldier, it is but the exception to the general rule. A sepoy may be born in a regiment and call the regiment his birthplace; he never ceases to look forward to the period of his pension and retirement, when he may return to the village of his ancestors. There is no nation of the earth in which the tie of relationship is stronger than among the Hindus; none in which love of the paternal hearth is more deeply rooted. The soldier and the citizen of India have all things in common, and the wrongs done to one will be avenged by the other. Discontent is not confined to the military service of India, it reigns throughout the public service. The same hatred of our persons that animates the public services pervades the whole of our territories, and nothing but English vanity and English ignorance could suggest the possibility of the people's attachment.

Under the rule of the East India Company the condition of all classes of society is hopeless. The native officer, however high his merit, however high the rank and honour he may have acquired in the public service, can never aspire to the station and distinction of a gentleman. Holding the

commission of an officer, he is always a subordinate: he is commanded by the non-commissioned officer of the English army. By any sudden freak of authority,—by the mere fiat of the Government he serves, he may be deprived of rank, pension, and honour, and reduced to shame and beggary. Any real attachment is incompatible with such conditions of service.

The native civilian, not less than the native soldier, is ever a subordinate: he may be the instrument by which our treasuries are filled; our courts of justice may be impossible except by his means; on him may depend, and on him does depend, all that belongs to the administration of the affairs of Government. In his social character he can never rise to the level of his European superior; he can never assume a position of equality with him, though oftentimes in moral and intellectual endowments vastly his superior. By the arbitrary fiat of the Government he serves, he may be degraded from his office, deprived of his pension, and the services of half a century scattered to the wind; he may be proclaimed by the Government in its official organ of the press a criminal, and without the ceremony of a judicial sentence, declared unable to hold office under the Government; he may even be made the scape-goat of his European superior, and dismissed on charges untried and on which he is refused a trial; *he is without redress.*

It is not given to any native of our Indian

territories,—citizen or otherwise,—to aspire to the position of the governing class, and to acquire the station which every individual living under the British constitution has a right to look forward to. We have declared the native of India free by law to enjoy the privileges of an English citizen. The Legislature has declared all offices open to him; almost with the same breath we have denounced him as unfit to fill them. In practice he is excluded from every relation to the Government but one,—that of blind submission to its authority. In the means of improving the country, of adding to its prosperity, and of ameliorating the condition of his fellow countrymen, he is not allowed to participate. All these matters are consigned to the intelligence of the foreigner, who is intent only on the amount of revenue to be drawn from the people, to be distributed among his own countrymen; or on the value to be extracted from the country, to increase the wealth of England.

Many of our native fellow subjects are highly educated, and have exhibited abilities and intellect for all the offices the Legislature has laid open to them. What is it that operates the disability under which they labour? It cannot be the colour of their skin, for the law has, in specific terms, repudiated that as a ground of exception. The real value of the enactment is by this time understood,—the native admires the *sincerity* which

dictated it, and the good faith manifested in its application.

He demands, whence is the source of the disqualification? You say we are unfit to govern, to aspire to the offices, which you monopolise. Does experience indicate a better title to them, in you? is there a single point of government in which you have not failed? Your administration of justice is a proverb and bye-word, a theme for jest and scorn, wherever its practice is known. Your revenues are collected by torture,—your judgments are obtained by cruelty, fraud, and even murder. There is neither security of person nor of property in the territories you affect to govern, and lastly, one universal poverty pervades the land. Could the territories under your rule have been worse governed by us than they have been by you? Where is the superiority of your administrative faculties? Look at the report of the Commissioners appointed at the instance of Parliament to inquire into the practice of torture in your territories. Has anything worse been imputed to the police of Naples than has been brought home to your own? You have made the practice of torture the basis of your revenue and judicial administration,—you have pursued it as a system, in spite of the remonstrances of your own servants; the truth was placed before you, and you despised it. “The police establishment has become the bane  
“ and pest of society, the terror of the community,

“ and the origin of half the misery and discontent  
 “ that exist among the subjects of the government  
 “ —corruption and bribery reign paramount  
 “ throughout the whole establishment,—violence,  
 “ torture, and cruelty are the chief instruments  
 “ for detecting crime, implicating innocence, or  
 “ extorting money.” These are the words of your  
 own Commissioners.

“ That the police in India has lamentably failed  
 “ in accomplishing the ends for which it was  
 “ established is a notorious fact; that it is almost  
 “ useless for the prevention, and sadly inefficient,  
 “ for the detection of crime is generally admitted.”  
 It might be supposed that this was the language  
 of an enemy,—it is the language of the Court of  
 Directors, in their dispatch to the government of  
 India, of the 13th March of the present year.  
 “ The village police are in a permanent state of  
 “ starvation—they are all thieves and robbers, or  
 “ leagued with thieves and robbers, insomuch that  
 “ when anyone is robbed in a village, it is most  
 “ probable that the first person suspected will be  
 “ the village watchman; it is even a question  
 “ whether an order issued throughout the country  
 “ to apprehend and confine them would not do  
 “ more to put a stop to theft and robbery than  
 “ any other measure that could be adopted—the  
 “ administration of justice is little better than a  
 “ lottery.” These results of a rule two hundred  
 years old are recorded in the words of Mr.  
 Haliday, the Deputy-Governor of Bengal, within

the last twelve months:—Did Colonel Sleeman, General Outram, General Low, or Lord Dalhousie detect anything worse in mis-government in the territories of Oude to justify their seizure? Did they find a manufactory of opium, which the government forced upon the Chinese in violation of the laws of the Empire? or an abkarry system, which fostered drunkenness for the sake of revenue? or a system of Ferries as a barrier to social and commercial intercourse? As for your Christianity, on which you so much pride yourselves, have your practices shewn that your religion is better than our own? The Bramin retorts on the Missionary, “ You have set forth in  
“ a very engaging manner the superiority of the  
“ religion you profess; but we do not see that the  
“ professors of the religion of Christ, who reside  
“ amongst us, prove by their lives and conduct  
“ that these things are true. When we go into our  
“ temples, we appear before our God with that  
“ reverence which is due to Him who fills the  
“ universe with his presence—we return to our  
“ homes, considering that we have been paying  
“ our vows, not to the stones of which our altar is  
“ built, but to the invisible God,—we injure none,  
“ nor do we condemn others for differing from us.  
“ When your people go into your temples, they  
“ conduct themselves as if they were in a place of  
“ amusement. When your worship is ended, they  
“ go to riot and drunkenness, and to gratify their  
“ unconquered inclinations; with these proofs of

“ the lamentable conduct of the professors of your  
 “ religion before our eyes, we do not see that we  
 “ should gain anything by forsaking the ancient  
 “ profession of our venerable fathers.”

Instead of applying yourselves to good government, you have been intent only on your private interests—you have drained the country of its wealth, in order to enrich your own countrymen—you have excluded the natives from rank and position, in order to satisfy the cravings of the foreigner, and to provide for the younger sons of English families. Where is the evidence of your fitness for government in the improvement of the condition of the people, in an increase of wealth in the country, and of the means of wealth in an increase of its population? Your land assessment has sat like an incubus on the country, involving in common the ruler and the people in its consequences. Your financial schemes have been limited to keeping up one standard of revenue. Change has followed change in rapid succession—the Zemindarry settlement, the village settlement, and the village lease, the triennial and decennial lease have all been tried in their turn, and lastly, the annual or Ryotwar settlement, which is now to be supplanted by a thirty years' lease—the Ryot has been without stability in his tenure, and your own revenue has been subject to the fluctuation inseparable from over taxation and insecurity. In a country abounding in waste land,

you have forced upon the Ryot the cultivation of good and bad land, every improvement made by him has been but a prelude to fresh taxation, even the fruit trees have had an ascending scale of taxation appointed for them before they had come to maturity. The advantage to the country of increased production, of selecting the most fruitful lands for cultivation, formed no part of your scheme; while the extension of the revenue by the obvious means of improved irrigation, and by reduction, where the weight of the land tax crippled the resources of the cultivator, have, until very lately, failed to arrest attention, or been deemed unworthy of it by you.

Your land tax has been collected in season and out of season—the demand has been made before the crops were raised—and the individual or Ryotwar settlement, that grand panacea established by you for the purpose of bringing the cultivator into direct intercourse with the Government, has terminated in the creation of a middleman, who, absorbing the profits of the land, is now the habitual mediator between the Government and the cultivator. In the sequel you have ordered a general survey as a means of usurping a proprietary right over the lands of the country, and of proving to the people that your grasping spirit is without limit.

I will now offer a few remarks on matters which have recently engaged more attention than is



found an echo in the breast of the sepoy, and a tribute was paid to the man which was not perhaps due to the occasion. But is the Government of India so tolerant as the General supposed? Can it be said that the Government does not interfere with the religion of the country, when we see the countenance and support it gives to the missionaries?

When the natives of the country see the courts of justice overturned; the judges dismissed from their offices for refusing to side with the Christian convert against his adversary the Hindu—when they see the Hindu insulted by the Government in their official documents, by the opprobrious taunt of “heathen”—when they see the labours of the missionaries terminate in civil discord, the cause of strife in families, of children disowning their parents, of wives abandoning their husbands, the magistrates of the country straining the law against the “heathen,” and all this passing unheeded—is it possible that the natives of the country should doubt that the Government is enlisted in the cause of conversion, and that the missionaries are the chosen instruments of their purpose. The events of Lord Tweeddale’s government which have been referred to, occurred ten years ago. The impression left by them, we see in a petition which within the last month has been laid before both Houses of Parliament. In their memorial, addressed to the Court of Directors of the East India Company, in 1847, the Hindus say

“ The Hindu community have lost all hope of  
 “ obtaining justice where their religion is con-  
 “ cerned—they have seen themselves marked out  
 “ for judicial severity under the invidious appella-  
 “ tion of ‘ heathen,’ and the judges removed from  
 “ the bench for upholding their cause against  
 “ oppression and injustice.”

The missionaries of India have a large paper-  
 “ army of martyrs,”—their converts, if they can  
 arrogate the name, are for the most part taken from  
 the lowest caste, the Pariah—a numerous body,  
 living without any settled notions of religion, and  
 without any refined sense of moral obligation—  
 outcasts, and too impure for general society, they  
 readily join a powerful body such as the missionaries,  
 from whom they receive protection, and very often  
 food, the bond of their allegiance and the test of their  
 faith. An inquiry made some years ago, at Bangalore,  
 by a deputation from one of the societies in England,  
 resulted in the discovery that the converts and their  
 families were nearly all of them stipendiaries of  
 the mission ; supported as the convert is, by an  
 arrogant and overbearing priesthood, he not un-  
 frequently puts on the airs of his superiors, and  
 priding himself on the position acquired by his  
 new faith, he revels in any insult or indignity  
 cast on those whom the institutions of the country  
 have placed above him in society.

When we find the courts of justice of the  
 country turned into instruments of conversion, the

introduction of the Bible as a class-book into the institutions for native education, ordered "as a means of fitting the natives for their various duties, that something more solid than is to be found in the Hindu and Mahomedan faiths is required to qualify them for the change that learning operates on the mind," and the Governor of Madras concluding these sentiments with "a grant in aid" to the missionaries, out of the money ordered by Parliament for the education of the natives, and all this passing without comment by the Home authorities, we are forced to the conclusion that the natives were not wrong when they ascribed a spirit of proselytism to the Indian Government.

At this period the Chief Secretary to the Madras Government was a principal agent of the Church Missionary Society, as was his brother the collector and magistrate of Tinnevely, the district in which Lord Tweeddale built his fame, by supporting the Christian converts against their "heathen" adversaries. The missionary mania infected the principal departments of the Government, civil and military, confidence was so completely lost in the impartial administration of justice, that one of the magistrates of Tinnevely, in a letter written at the time, states the pleasure he felt at quitting a district, in which the "cry was rife" that there was no justice in any case between a Christian and a Hindu; the missionaries openly interfered with

the course of justice and appealed to the magistrates in behalf of their converts. Appointments under Government were supposed to emanate from them: aspirants for the public service flocked to the chapel of the Church Missionary Society in such numbers that the reverend secretary was obliged to denounce the practice from his pulpit, in the face of the whole congregation.

Among the incidents of this period was the court martial arising out of the mutiny of the 6th Light Cavalry, followed by the execution of two of the soldiers of the regiment, the banishment for life of thirteen others, and the dismissal without trial of several native officers. One of them, (Soubadar Syed Ebrahim,) after a service of fifty years, in which he was twice wounded, and received a pension for his services, at the mutiny at Vellore. The grounds of the dismissal are, as recorded in a letter of the Adjutant-General of the army, dated 14th August, 1844, that, when asked for information, "none of them had stated anything worth knowing." It did not perhaps occur to the mind of the Commander-in-Chief that if the native officers were aware of mutiny without revealing it, themselves were guilty of mutiny, and liable under the Articles of War to suffer death for the connivance. The circumstances of this trial will ever be remembered by the Madras native army, and at any time furnish an example to be used against the Government. Had the

responsibility been on one less fortified by the accidents of birth and political influence, an event of such importance would not have been allowed to slumber.

The origin of the mutiny was a breach of faith on the part of the Madras Government (who refused the sepoys their pay), which was followed by a worse breach of faith on the part of the Commander-in-Chief. The late Adjutant-General of the Madras army, Colonel Alexander, thus speaks of it in his evidence delivered before the House of Lords: "I was not present at army head quarters on either occasion, and I do not now remember so particularly the circumstances of the 47th Native Infantry. I remember in the case of the 6th Cavalry it was necessary to punish the mutineers."

"In both instances, was not faith broken with the sepoys?"

"Faith was broken with the 6th Cavalry, and according to the interpretation established by Sir Thomas Munro, when Governor of Madras, of what constitutes foreign service, it was also broken with the 47th\* Regiment of Native Infantry."

The trial, in the case of the 6th Cavalry,

\* The sepoys left Madras for Aden, with the understanding that they should have the extra allowance of foreign service. On reaching Bombay, the extra allowance was cut off; the sepoys refused to receive the reduced pay, which was construed into mutiny. Courts-martial followed, and some of the accused were executed.

was held nine months after the occurrence, and after the offence had been condoned and legally disposed of. The letter of the Adjutant-General of the army, addressed to Major Litchfield, the officer in command of the regiment, states:—

“ The Commander-in-Chief has received the  
 “ brigadier’s (Watson’s) letter of the 10th Dec.  
 “ with Major Litchfield’s (the commander of the  
 “ regiment) enclosed, and is happy to understand  
 “ from these communications that the men of the  
 “ 6th Light Cavalry have returned to their duty,  
 “ and that they appear to be sensible of their  
 “ late misconduct. But as his lordship cannot  
 “ allow the regiment, under the reproach of such  
 “ unworthy and unsoldierly behaviour, to continue  
 “ at a station, where it might be required for  
 “ employment on actual service, he has ordered it  
 “ to be sent into cantonments at Arcot.”

It was after this letter was written that the sepoys were put upon their trial, and that the result of a temporary ebullition, imputable to the lâches of the government itself, was made the basis of a measure which staggered the minds of the oldest soldiers, and called forth the reprobation of all society. Can it surprise any one, if a punishment involving such heavy consequences, the result of the aggression of the government, should be still remembered, and rankle in the minds of the native army? Is the native soldier so ignorant as not to know that the violation of a contract on one

side releases the other party? Do the articles of war bind the sepoy as to his service, and lay the Government under no obligation as to his pay? or is it that the weaker party only is bound by his contract?

The Court Martial was illegal, and in contravention of the Articles of War, which forbid the trial of a soldier after he has been permitted to bear arms and perform his ordinary duty, as well as opposed to a recent decision of the Commander-in-Chief of India, to whose authority the Commander-in-Chief of Madras was subject. The order of Lord Gough, dated Umballah, 30th March, 1844, runs as follows:—"The course which it was intended to adopt in dealing with the corps at Ferozepoor, would have been pursued with respect to the ringleaders among the disaffected in the 7th Light Cavalry, and 34th Regiment of Native Infantry, had circumstances permitted; but in these two regiments, the guilty parties had in every instance, and for a length of time, been allowed to retain their arms and perform their regular routine of duties, without any steps being taken to mark them as offenders against discipline, and hence a recourse to trial by Court Martial would in their case have been illegal."

The Court Martial on the sepoys of the 6th Light Cavalry revealed to the native army the fact that in practice there is one law for the black

soldier and another for the white. The Court was composed of seven officers, the president, a junior major, while the other members were junior captains and subalterns of no standing in the army. The Seventh Article of War declares, that “no sentence of death shall be given against any offender by any General Court Martial consisting of less than thirteen members, except the same shall be holden in a place out of the territories of Fort St. George, nor unless nine members shall concur therein.” The prisoners were tried at Arcot. Within a month after the trial of the sepoy, Captain Byng, an officer of the 6th Light Cavalry, was tried by Court Martial. The Court in this case was composed of thirteen members, the president, a distinguished Peninsular general who, at the time, commanded a division of the army,—after sentence, copies of the proceedings were demanded, and refused,—had the sepoy been English soldiers, the application must have been complied with. By the Seventeenth Article of the Mutiny Act for the English army,—“Any party tried by a General Court Martial is entitled to a copy of the original proceedings, on paying reasonably for the same, after certain periods, from three to twelve months, according as the trial may have taken place at home or distant stations.”—*Simmons*, on “Courts Martial,” page 402.

Since the foregoing was written, the letter of



Colonel Tucker, the late Adjutant-General of the Bengal army, has appeared in the *Times* of the 24th June,—I commend it to the perusal of my readers. General Grant, the officer referred to in it, is the first officer of the East India Company's service that has been appointed from Home to the prominent office of Commander-in-Chief at one of the Presidencies of India,—these appointments have been usually confined to the political adherents or relatives of the ministry, or to the personal attachés of *some great man*, and have more frequently been a tribute to birth, poverty, and incompetence, than the reward of distinguished merit.

If it should be asked whether this is a fitting season, when disaffection stalks abroad, to discuss the injuries of the native army of India, I would reply, I have chosen the present juncture as the one in which the claims of justice are most likely to be listened to.

It remains to take a general review of the causes that have combined to loosen the tie that bound the natives of the country to the East India Company. It is manifest that in proportion as the people have become acquainted with us, has our hold on their affections declined; the knowledge they have acquired of our sentiments, and of our institutions, has but informed them of the injustice done to themselves. They naturally ask, why a nation foremost in the world, in its own freedom,

should keep them in a state of bondage,—why a nation that refuses to be bound by any law, and to submit to any taxation unsanctioned by its representatives, should reject the theory in India, and impose on them a despotism,—why having lost an empire by tyranny, and having abandoned it in other colonies, it should continue to inflict on a colony, one that has long been the stay of the British Empire, and to which it is bound by the strongest motives of gratitude, a system so degrading. One of our ablest Indian statesmen observed on a late occasion, that “no intelligent people would submit to our Government;” and a valuable publication now before me says, “I am quite satisfied that my countrymen in their hearts despise the natives of India because they do submit to it.” The same author remarks, “as long as the army is faithful submission is a matter of necessity;” “the bravest people in the world may be subjugated by foreigners when the people are divided among themselves.” This has been the secret of our rule. That prop we have lost, not more by our annexations, than by the insult and treachery employed in effecting them. We have raised an enemy stronger than the chiefs we have ruined, in our loss of character among the inhabitants of India, we have created an enemy superior to all physical force, we have proclaimed throughout India that we are faithless, that one principle, and one only, actuates us, viz. the desire

which actuates the robber, that of seizing every thing of value that falls within his grasp. That we have had any other object in view is contradicted by the present condition of the country. It is every where admitted, whether the question be one of revenue, whether it concern the administration of justice, or the security of person or of property, that anarchy prevails throughout the country. What must be our police administration, when in default of the officers of the Government performing its duties, we find luteteuls or bludgeon men systematically kept in pay as a means of *justice*?—when the community dread the policeman more than the thief, and the courts of justice more than the invasion of the midnight robber? With all this we claim to ourselves the exclusive right to govern, and tell the native of India that he is unfit for the task.

Our rule in India was once respected. They who would see its moral practice, would do well to examine the circumstances that preceded the annexation of Oude, and the dethronement of the King. Passing by the annexation itself, the numerous breaches of faith in our intercourse with that country,—our extortions,—the attempt to seduce the minister by promises to betray his master,—the threat to deprive the Queen mother of her pension, on failure to induce her son to sign away his kingdom,—the violation of our treaties with the native states of India. All these

have proved sufficient to create throughout the country a hatred and disgust, which are nowhere disguised.

The nature of the intercourse which for many years subsisted between the civil service and the inhabitants of the country, as well as between the sepoy and his officer, have undergone a change which could not fail to tell against our rule.

The civil servant was wont to reside, during a course of years, in one and the same district; he was the friend of the people, watched over their interests, and seldom left the country without a name which reconciled the people to the Government. Of late our arrangements have had for their object, not to keep the governing classes in the country, but by every device of furlough to assist them in quitting it. The offices in the Mofussil are now seldom in the occupation of the same person for more than a year or two. The *locum tenens* occupies his post too short a time to carry out a system, or to establish a mutual good feeling between himself and the people. (The district of Guntoor had six collectors within an interval of eighteen months.) There was the semblance, if not the reality of the governing classes being identified with the country, there was not that constant change of society, which suggested that India was a mere prey for the occasion and for the next comer. The Government is not known to the people through its representatives in

the provinces, every civil servant now sets out on his mission not so much intent on its duties as on the means by which he shall, at the earliest moment, resign them to other hands.

The sepoy no longer sees the Government through his officer—and no longer recognises in him a protector. The power of promotion, once in the officer, now resides, for the most part, with the office of the Adjutant-General, and the Commander of the Regiment, instead of being regarded by the sepoy as the mediator between himself and the Government, stands in the position of a person without authority; the tie which once held the soldier to his officer no longer exists. It is useless to attempt to disguise the fact. Disorganisation prevails everywhere, and the causes of it are as plain. We may now soothe the people, and apply ourselves to good government; our concessions are but the result of fear, and are seldom unaccompanied by insult. “*Medio de fonte leporum, surgit amari aliquid.*”

Will the people of England continue to Leadenhall Street a government whose duties they have so much neglected—will they permit a rule to endure, which shrouding its proceedings in secrecy, has kept the people in thralldom, and, at the end of two hundred years, exhibits nothing better as a result than anarchy, poverty, and disaffection?

## POSTSCRIPT.

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Some days after the publication of these pages the Overland Mail brought intelligence of the events at Delhi.

It appears that the first measure taken by the Government against the mutineers, was to put to death a certain number of them, to inflict minor punishments on others, and to disband four entire regiments. The last measure might, in similar circumstances, have been judicious in Great Britain, where a mutinous soldier might traverse the empire without finding any one to sympathise with him. In India it would but afford the means of scattering disaffection throughout the country. The native of India would not understand so wholesale and indiscriminate a measure of justice, one which involved the innocent with the guilty, and, wiping away the claims of service, inflicted ruin without the sanction of a judicial sentence, and without the legal proof of crime.

To allay the irritation, which now prevails in India, *more* than measures of coercion must be resorted to. A belief undoubtedly pervades the country that religion and caste are threatened. Not all the army of England would be strong

enough to stay the consequences of the feeling. The causes of it must be removed. When the question of the cartridges arose, immediate measures should have been taken to substitute others made under their own observation. At first only a pretext, by forcing them on the sepoys, they became a cause; common prudence ought to have suggested, that the mere *ipse dixit* of a General on parade would not carry conviction to the minds of men previously inflamed by a belief that the Government intended to coerce them to another creed. The measures adopted to force the cartridges on the sepoys, will but convince all India, that these were the views of the Government.

Similar views were not long ago expressed in the House of Commons by one of the ministers, who at the time was connected with the Government of India, and they now receive confirmation from *The Times* of the 29th of June, which, in a rabid article calling for vengeance, advocates the forcible dissolution of social ties within our Indian Territories:—"We cannot now refuse our part or  
 " change our destiny; to retain our power in India,  
 " we must sweep away every political establishment,  
 " and every social usage, which may prevent our  
 " influence from being universal and complete."

The 14,000 soldiers now going to India, nor ten times that number, could compass such purposes, and least of all, now that our purposes are made

known. Talk of the native press of India as incendiary, when did it ever propound a policy so subversive of order, so derogatory to our rule? Can the natives of India doubt our purpose when they read such sentiments?

The continuance of our rule in India will depend on the justice we bring to the occasion. "Be just and fear not." Severity, the mere result of fear, will but recoil on ourselves. The native of India is easily ruled, by justice and kindness,—these are the principles that generate love and respect,—it is the withdrawal of them that has shaken our Empire. Employ men as your governors who possess a title to govern—men who will confine their labours to the purposes of government—and who neither in their own person, nor in the persons of those attached to them, exhibit the character of fanatics and religious devotees. But it will be argued by some, that the Hindus have perpetrated great atrocities. Can any one impute to them greater cruelties than have been committed by Christians in the name of religion?

Accord to the people of India what is due to every conquered people, the unfettered exercise of their religion, keep faith with them, and we shall hear no more of revolt.

*Gloucester Gardens,  
29th June, 1857.*

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# I N D I A R E F O R M

AND

## NATIVE RIGHTS.

THE PROCEEDINGS OF

A P U B L I C M E E T I N G

Held in

THE WESTMINSTER FRIENDS' MEETING HOUSE

ON THURSDAY, NOVEMBER 5, 1857.

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LONDON: W. TWEEDIE, 337 STRAND.

A PUBLIC MEETING on the subject of INDIA REFORM and NATIVE RIGHTS was held at the Friends' Meeting House, Westminster, on Thursday Evening, November 5th.

MALCOLM LEWIN, Esq., late second Judge of the Sudder Court of Madras, having been called to the Chair amid loud cheers, said that the object of the Meeting was not to cast censure upon any one, nor to enter into a political disquisition on the present or future Government of India: the object was, to bring the natives of India before the Meeting in their true character, and to shew that they were objects of great and humane consideration. (Hear hear.) Whatever crimes may be attributable to the natives of India in this revolt, they are at any rate entitled to justice, as every man was. (Hear, hear.) But he proposed to shew, that for what they had actually done they were entitled to something more than mere justice. It was not to be lost sight of that our own people received, in many instances, protection from the natives of the country at great personal risk; and he had a letter in his pocket from a major of cavalry at Lucknow, dated September 15th, in which he informed him that he and his family, and several other officers, were safely deposited in the house of a native, where they remained for a fortnight, until they had other means of protection. It would be as unfair to deduce the character of the natives of India from the atrocities committed during the revolt, as it would be to take the character of the people of London from the Newgate Calendar. (Cheers.) At the onset of the revolt, 16,000 prisoners were released from the gaols. Of these, as many as two-thirds were persons nominally sentenced to fourteen years' imprisonment, but in reality to perpetual imprisonment; for on failure to provide bail for good conduct at the expiration of their sentence, they still continued in prison. These Dacoits were hereditary robbers, whom the Government had never been able to put down. Their proceedings were marked by great atrocity, and there was no crime which they would hesitate to commit for the discovery of property. Torture with these men was a main instrument of operation. To such men, and to a few infuriated soldiers, writhing under the indignity of irons, which had been put upon their legs, may for the most part be ascribed the atrocities which they all equally deplore, and alike condemn. Such atrocities form no part of the natural character of the Indians. That they would with us revolt at them is proved by the Meetings held to sympathize with the sufferers, and to provide funds for their relief. (Hear, hear.) His attention had been attracted to a newspaper—the "*Weekly Dispatch*"—in which the following beautiful passage occurred, as delineating the character of the Hindoo—

"A nation of rice-eaters! Two hundred millions of vegetarians! A vast continent of teetotalers, with whom personal purification, denial of carnal comforts, scrupulous castigation of epicu-

rean appetency, is a fanaticism, an infatuation. What a seed-bed for the faith of Him who knew not where to lay His head; whose meat and drink it was to do His Father's will! Look at the inner nature of the Hindoo; get below the surface of his formal life, deep down to his permanent instincts. Only sensual where priestcraft inculcates it as a duty; fawning and false solely from the oppression of successive tyrants; a pilferer from the betters who have stripped him, and under whose rule no property has been secure; treacherous because himself so systematically cheated and betrayed; cruel and callous to the cries of misery, solely because the savage Asiatic tyrants *set over him know no mercy, and superstition makes him mad: you have to look under all these accidents of history to get at his real nature.* Who more devoted to his master, more affectionate to his family, more susceptible of attachment? See how he loves the children of his Sahib; how they love *him*; with what a reverential chivalry he regards the lady of his lord. How gentle, patient, submissive, long-suffering. In his normal state how humane, kind, and tender. How strong are his domestic ties, how attached to order, peace, and contented industry. When the sulphurous cloud of this mutiny shall have rolled away, we shall discover ten thousand heroic deeds of generosity, forgiveness, and tender humanity, done by poor natives towards their conquerors and alien rulers, which have no parallel in European rebellions. How many fugitives concealed, wretched sheltered, prisoners rescued, naked clothed, and hungry fed! *How many have perilled life to save the hunted Feringhees; how many communities of villages even have risked the conflagration of their homes to defend the footsore wanderers whom they know only as infidels and tax-masters!* Nay, how many even of the Sepoys have been compelled to leave us only in self-defence, because we had failed to hold our own, or to protect them against the consequences of resisting what, in the excitement and violence of revolt, might well seem a successful insurrection, in which all who helped the pale stranger against his country and his faith would perish by the sword of the cruel native Rajah! Were we to seek for a nation over the wide world wherein the gentle and contemplative self-denying spirit of the Gospel, with its Eastern customs, and imagery, and character, and life, would take easy and natural root, we know not where we should turn so soon as to the plains of Hindoostan."

It might happen that some gentleman might be present whose experience as a resident in India equalled his own—who, like himself, might have brought up a family in India, and had the same opportunity of acquainting himself with the true character and genius of India. If there was such a person present, he would challenge him to deny the correctness of these relations. He would now allude to the causes of the revolt. These might be briefly summed up in the hatred of the people, which, so far from

being confined to the military force of the country, was diffused over all their empire; and it was plain that this hatred had only wanted the opportunity to develope itself in something more substantial than mere feeling. (Cheers.) An English gentleman, writing to him in April last from India, said—

“ Only yesterday I heard the bitterest hatred of the English expressed in the most unmeasured terms, contemptuous and indignant, by one of the first natives here; this by a man of singular power of intellect, speaking and writing many languages with equal facility, and, on account of his intellectual attainments, lately noticed by the Government. ‘ The word of the English,’ said he, ‘ was formerly, as it were, engraved upon granite: now it is written in water. So long as it was politic to keep faith with the natives, who could be more observant of your faith than you English? Now that you have the country at your feet, you have fairly thrown off the mask. You may not believe me, but I swear I would lay down my head this minute (suited the action to the word) if I could one whit raise my countrymen from their present condition. It is the repose of a corpse, dead, degraded: there is no need to conceal it, we hate you, and you deserve it.’ This is no historical Thucididean speech, but word for word, as nearly as I can recollect what he said; and I believe it fairly represents the feelings of the natives towards us, and I for one echo his words, we deserve it.”

That nothing but opportunity was long wanting was clear to him, from a letter lately received from India, dated in September last, in which the writer, one of the most intelligent and one of the most influential men in India, remarks—“ Not the least important causes of the revolt is the growing distrust of the power of England. The idea broached in Parliament, of drawing for troops on India for the Crimean war took intelligent natives by surprise; and the Chinese and Persian expeditions, undertaken simultaneously, were looked upon as involving the nation in a complication of difficulties. No doubt the causes you mention had their share, the Oude annexation in particular; and one account states, that no fewer than forty thousand men of the Bengal army came from that province.” Among the annexations which took place in India, Nagpore stood forward as the most prominent one. In that case the power of adoption was set aside, and an insult was cast over the Hindoo population of India. It was not merely an insult. By refusing the adoption, the Government stood between the prince in the performance of the most sacred right of his religion. The performance of the Shradda was the most sacred right of the Hindoo religion, and the refusal of the adoption prevented the performance of a duty which the Hindoo considered essential to his salvation. Without going further into the subject of annexations, he would remark how deeply the feeling had been evinced in the case of those States which had been annexed. Nana

Sahib himself was an example; the State of Jhansi was another, where all the Europeans were massacred. (Hear, hear.) In the case of Nagpore there was an insult passed upon all the native princes of India: the jewels of the Ranees were not only taken from them, but they were advertised for public auction by the Government in the newspapers of India. A French gentleman, writing to him on that subject from Chandernagore, one who had been resident upwards of thirty years in India, remarks—"Without reckoning the Nagpore and Oude affairs, Lord Dalhousie is very guilty. When you think of the jewels of Nagpore, which were snatched from him then, and sold in Calcutta, one experiences a feeling of disgust. The preventing the adoption of a son to the King of Nagpore was the greatest blunder Lord Dalhousie could make, for he was attacking the greatest families in their existence. It is a greater mistake than Oude." He would now allude to the impressions entertained by the natives generally on the subject of conversion, and of our interference with their religion. He did not pretend to say whether our interference had been well or ill judged; but he would state the impressions which had arisen among the natives as to the object of that interference, and which he believed had made them mad, not only with hatred to our persons, but to Christianity itself. The Missionary, Anderson, of the Free Scotch Church, describes the feeling opposed to Christianity in these words:—

"There is no house where Christianity is not exposed: the disgust with which all classes of the community look upon Christianity is very strong and prevalent at present. We have all heard of the late Meeting: under what feeling did the great men of the Hindoos, the men who could speak English, and had come much in contact with the Europeans, and were supposed not to have the same prejudices and narrow views as the common people—what were the feelings which they shewed in that place? *Every one of them, the most educated of them to the least educated, from the highest caste man to the lowest Pulle, manifested a bitter spirit of enmity against Christianity.* Though people of all castes were brought together at that time, there were no fightings about caste. Though Brahmins and all the lower castes were mixed together, there was a *living sympathy among all the people* that were there: the same spirit filled all their hearts, and out of the fulness of their hearts their mouths poured out curses and blasphemies against Christianity. From a single family up to the *whols nation* the prevailing spirit in the Hindoo at present is *enmity against Christianity.* There is an enmity in each family, and there is a national enmity and a universal enmity filling the breast of *every man and woman of every rank and caste among the Hindoos*: yea, *the whole nation* is moved from its very bottom, and filled with *implacable hatred*, and bent upon the utter destruction of Christianity."

No man was more competent to judge than this gentleman. Although a zealous proselytiser, he was deservedly respected by all as an honest man. The natives, well knowing that he was bent upon their conversion, still flocked to him, from their knowledge of the fact that he was not connected with the Government. This led him to offer an observation on the subject of the view in which Missionaries were regarded by the people. He believed that where Missionaries stood aloof from the Government their labours were most effective; and he had a letter before him at this moment, from a native of India, in which the opinion was openly expressed that the labours of the Missionary, coupled with education and good government, would lead to the fall of Hindooism. So far back as the time of Swartz, they knew that Hyder Ali, when his distrust was so great in the faith of the Government, that he refused to treat with it, offered to transact any business with it through the intervention of Swartz, and "amidst his cruel and desolating career, he gave orders to his officers to permit the venerable padre to pass unmolested, and to shew him respect and kindness;" adding, "he is a holy man, and means no harm to my Government." This fact would be found stated in the Dean of Salisbury's Life of Swartz. If such sentiments could animate a Mussulman, with a natural antipathy to the Christian, how much more were they likely to actuate the Hindoo, the main principle of whose creed was perfect toleration. Had the Government of India stood aloof from proselytism, and allowed the Missionaries to stand alone, it was scarcely possible to doubt that Christianity would have made more progress than it has in India. (Hear, hear.) The number of real converts in India was, it was to be feared, very few, and the conversion of nearly all of those who had adopted the Christian religion might be ascribed to temporal benefit.

The natives of India justly took offence with the Government, on the grounds that it did not keep faith with them in matters of religion. They hear of orders being sent out to that country to prohibit all interference with their religion: simultaneously they read the speech of the Chairman of the East-India House, in which directly the contrary is expressed. A native, writing to him (Mr. Lewin) on the subject, after reading Mr. Mangles' speech in the House of Commons, "that he had no doubt whatever that Providence had been pleased to place the magnificent empire of India in our hands in order that in due time we might be the instruments of converting the inhabitants to Christianity," says—"Several natives came to me shortly after the arrival of the mail, with the paper in their hands, and remarked that the Court of Directors were playing a double game, pretending, in their despatches to India, to set their faces against Government proselytism, while at home they openly profess this object to be their

desire and duty." But the Government of Madras went beyond this. They refused to allow special trains to run on Sundays, not in order to comply with the fourth commandment, but because they were required to convey the natives to their religious festivals. The orders on this subject were shewn to him by Sir James Melvill, at the India House, and the Madras Government were remonstrated with for using such an argument, but that Government had not chosen to bend to the home authorities. He would now refer to two other subjects—the Hindoo law of re-marriages and the law of inheritance on conversion to Christianity. (Cheers.) Great difference of opinion might be allowed as to the propriety of these laws. It appeared to him, that if a foreigner took possession of a new country, he was not bound to overset the laws of that country, even though they might differ in principle from his own, nay, even though they should be religiously opposed to his own. (Hear, hear.) He would say nothing of infanticide and of the suttee, as it appeared to him that the large mass of the people of India agreed with us on those two questions. It was far otherwise in the case of the re-marriage of a Hindoo widow and the change of inheritance consequent on conversion. A French gentleman, writing to him from Chandernapore, remarked—"What is it to a trading Company whether a Hindoo widow re-marry or continue a widow? The change in the law of inheritance clearly tended to the subversion of the Hindoo religion. The Hindoo law and Hindoo custom throughout the country do not recognise the division of ancestral property between the several members of the family. The property of a Hindoo family belonged to the religion as much as to the family itself; and no convert was allowed to take his share out of it under any circumstances. In case of conversion to another religion by any one of the members of a Hindoo family, his share became the property of those who remained in their old faith. When we first legislated on these subjects—when our power was so ill-confirmed that we were obliged to bend to the native customs and laws, in order to conciliate their support—we passed laws, declaring that all suits between Hindoos should be decided according to the laws and customs of the Hindoos; and the Regulations of 1802 were acted up to until we thought ourselves strong enough to supplant the native customs and religion by our own. Whatever might be the merit of our recent enactments, it was plain that we had violated our faith towards the natives of the country, and we have effected radical changes which were not demanded by the voice of the people. (Cheers.) He would now offer a word or two on the treatment which the natives had received at our hands, as also on their qualifications for employment in the public service. If they referred to the men who had had the largest experience of the natives of India, and men who had made themselves most eminent by their abilities, namely, Munroe, Strachey, Sir John Malcolm, and Holt M'Kenzie, they found an



unanimous sentiment in favour of their fitness for any office in the State. (Hear, hear.) They also found that each of these gentlemen alludes, in express terms, to the debasing character of our treatment of them, and the injustice of shutting them out from all lucrative and honourable employment. (Hear, hear.) With the experience before them of the eminent natives who had occupied a high position—with the fact before them that the judicial and revenue administrations were carried on by the means of natives—that not a penny could be collected except through them—that ninety-three per cent. of the civil suits that were decided in India were decided by them—that they had the power at the present time, on their own judgment alone, to decide original suits to an unlimited amount, and on their own authority to sentence to stripes and imprisonment,—with all these facts before them, it could not but excite surprise, that while performing the offices of Englishmen, they should be debarred from the equality of Englishmen. (Cheers.) The 87th Section of the Charter Act declared “all offices open to all persons without distinction of caste, colour, or creed.” This was a wise measure, and, had it been carried out as was intended by the framers, it can be little doubted it would have proved a grand step towards creating an interest in the people to preserve our empire. But it was of no use to give an eligibility to men to enter the civil service, when a voyage to England was made necessary as a preliminary. He would but say a few words regarding the Government of India, which had been most disastrous. They took possession of Oude on the grounds of misgovernment. A short time before the annexation of Sattarah, the East-India Company presented the Rajah with an honorary sword, on the grounds of his having managed the country to the satisfaction of the Government. Here were two opposite cases. In the one they sacrificed a Rajah for misgovernment: in the other they refused to allow even good government to save a native prince. (Hear, hear, and laughter.) The object, it was plain, in both cases, was the same—gain. (Cheers.) Of the effect of our annexations on the feeling of the country towards us, an opinion may be formed, from the sentiments addressed to me by a native of India (whose influence extends far beyond the Presidency in which he resides), in a letter dated in 1856, when the annexation of Oude was as yet incomplete. He says, “It is right I should refer to the general feeling of the natives, in consequence of the late surrecessions regarding the adoption of heirs, and the dispossessing of the Zemindars, whose property is immediately bought up by the Government, by a mere nominal payment, which bad feeling will certainly be increased if the succession to the Nawaubship of the Carnatic is set aside (it has been set aside) in defiance of the many treaties with the East-India Company guaranteeing its continuance in the family of the present claimant. The kingdom of Tanjore has just been seized ;

Oude, Hyderabad, and Travancore are threatened with the earliest convenient absorption; and the princes and nobility of the country are in a fair way of general extinction, till India will have no more than two classes—the English Government and the Ryots.” Of the remorseless manner in which the annexations were made, an opinion may be formed (as well, also, of our gratitude towards a man, who alone, of all the princes of India, remained faithful to us, when all the others were arrayed in arms against us) from the Minute of General Low, the British resident at Oude, dated January 21, 1842:—‘Adverting to the exaggerated rumours of our adversities in Affghanistan, and of their supposed effects, such rumours rendering it desirable to shew to the native community that the confidence of the Oude Government in our stability remains unabated. I thought it desirable to make use of my personal influence with the King of Oude to induce him to lend a considerable sum of money to the Government. He declared, in an earnest and cordial manner, that it gave him great pleasure to carry my wishes into effect. The total sum lent by him, to relieve the British Government from the pressure of the Affghan war, was forty-six lacs of rupees.’ In another Minute, General Low states, ‘that, during the Nepaul war, the King of Oude lent us, free of all cost, 300 elephants. The aid thus obtained for conveying our artillery, ammunition, tents, &c., in our mountain warfare, was of immense value to us, and of a kind which it was totally out of our power to obtain in any other manner, or from any other quarter.’ Comment is here unnecessary.” Were they to test the merits of the two Governments, they would find, on comparison, that their own misgovernment was far more palpable than that of any native prince of India. They had uprooted the native institutions of the country; they had destroyed the most efficient police that the world ever saw; they had carried on their revenue and police administration by means of torture. Mr. Halliday, the present Deputy-Governor of Bengal, in his Minute dated April 13, 1856, says—

“The village police are in a permanent state of starvation: they are all thieves and robbers, or leagued with thieves and robbers; insomuch that when any one is robbed in a village, it is most probable that the first person suspected will be the village watchman. It is even a question whether an order issued throughout the country to apprehend and confine them would not do more to put a stop to theft and robbery than any other measure that could be adopted. The administration of justice is little better than a lottery.”

The Torture Commissioners, appointed by the Government to investigate the question in Madras, say—

“The police establishment has become the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exist among the subjects of the Go-

vernment. Corruption and bribery reign paramount throughout the whole establishment; violence, torture, and cruelty are the chief instruments for detecting crime, implicating innocence, or extorting money." In their despatch to the Government of India, dated March 13th of the present year, the Court of Directors say—

"That the police in India has lamentably failed in accomplishing the ends for which it was established is a notorious fact: that it is almost useless for the prevention, and sadly inefficient for the detection of crime is generally admitted."

The modes of torture in Madras described by the Commissioners are as follows:—

"The kittee, an instrument applied to the fingers, causing excruciating pain. The anunthal, bending the body towards the feet, putting a heavy stone on the back, and exposure to the sun. Putting pepper and chillies in the eyes. Twisting women's breasts. Fastening in a cocoa-nut shell upon the navel the poolay insect, causing great torment. Nipping the flesh with pincers, searing with hot irons, dipping people in wells till they are half suffocated. These cruelties and others, of which decency forbids the mention, producing permanent injury and loss of limbs, are occasionally persevered in till death ensues."

It is unnecessary to go further into this part of the subject, as those who desire further information, whether as regards Madras or Bengal, would find it in the blue books recently published by Parliament. The result of our rule in India, according to the official records of the Government, was, that anarchy prevailed in all departments. The community dreaded the policeman more than the thief, and the Courts of Justice more than the midnight robber. Instead of applying to the local authorities for redress, it was well known that luttauls, or bludgeon-men, were systematically kept in pay by the planters as instruments of justice. The rebellion took all by surprise, which was a sufficient proof that it was not confined to the military alone. (Cheers.) There were at least 300 civil servants scattered over the province of Bengal. To each of these was attached a numerous native establishment, not one of whom gave the slightest warning of what was coming to pass. But the natives themselves did give a warning. They passed chuppaties through the different villages of the country. The intent of this proceeding was perfectly well known to them, and thousands of them were able to enlighten the Government, had they chosen to do so. A proceeding of that kind was nothing new in India; and had there been but one person about the Government of any real experience in the country, there would have been no difficulty in putting a right interpretation upon it. (Hear, hear.) But instead of going to the bottom of the matter, the whole was treated with an arrogant feeling which disdained the inquiry which such a proceeding obviously called for. (Cheers.)

His attention had been attracted by a speech recently made by Lord Shaftesbury, in which the atrocities in India had been referred to as if they were unparalleled in the history of the world; and his Lordship supposed that a delicacy had been exhibited in exposing those atrocities, and that there had not been a sufficient call for vengeance and punishment. He would not use the *tu quoque* argument, since the crimes committed at other times would not affect the character of the criminals in these. But his Lordship assumes that the rebellion was wholly of a military character. He asserted that it was not a nation rising for its independence, nor for the integrity of its religion. He said, "Have you found in any one instance a national, or even a symptom of a national rising?" In answer to this, he (Mr. Lewin) would refer briefly to a recent communication from Dr. Duff, who wrote as follows:—

"I am a very long resident in this country, and, having been in a position to hear the true sentiments of the *natives* (*who neither feared me nor required any thing from me*) towards our Government and ourselves, I have been long aware of their hatred towards both, and that opportunity alone was wanted to display it as they have now done; and where it has not been shewn, rest assured it is only from fear or interest, and when they did *not recognise opportunity*. Now, in the face of these, and scores of other substantially similar statements from all parts of the North-west and Central India, what becomes of the lullaby declarations of those who would fain persuade the British public, that nowhere among the general, civic, or rural population of India does there exist any feeling of ill-will, or discontent, or disaffection towards the British or their Government. All such unqualified declarations I do most solemnly *regard as a gigantic* (I do not say wilful) imposition on the British people; an imposition which, if not timeously exposed or abandoned, is sure to prove as fatal to the re-establishment and perpetuity of British supremacy, as it is in itself gigantic. If the seeds of a deadly disease are lurking—though it may be but partially developed—in the very vitals of the constitution, and if the existence of these, in spite of *obvious symptoms and warnings*, be deliberately ignored, what can we expect, except that, one day or other, they will break forth into a raging virulence, which all the art of the most skilful physician can neither mitigate nor arrest.

"It is supposed that the people of the country do not sympathize with the Sepoys, nor join in their bloody deeds. This ought to be corrected, for every hand is uplifted against the man who has a white face. Those villagers who used to throw themselves at my feet in May, come out in June with swords and guns, and all sorts of weapons, to take away my life. I dare not go into the quietest district without a guard of soldiers, nor sleep without a sentry at my door."

Now, Dr. Duff was a gentleman with whose character he was very well acquainted. He (Mr. Lewin) had resided in India for many years during the time that gentleman was there, and, though not of his communion, he could bear testimony to the zeal of his ministry, and to his high character as a man. But if Dr. Duff's testimony were not sufficient, the testimony of Mr. Anderson, already quoted, would set the matter at rest. Were that not enough, the memorial of the Missionaries, addressed to the Supreme Government of India, "On the condition of the population of Bengal," would fill up the gap. The Missionaries, as stated by Lord Canning in his Minutes, "after drawing a painful and lamentable picture of the condition of the rural population of Bengal, of the violence, injustice, and oppression to which they are exposed, and of the sullen discontent, and even hatred, towards their rulers, which has been engendered in them, express a desire that a Commission may be appointed to inquire into the causes of this state of things." Lord Shaftesbury asks, "Who, then, were the mutineers, and from whom arose this fugitive rebellion?" and answers, "It arose from a monster of our own creation: it arose from an army, pampered, flattered, and under-worked." It was possible, in Madras, that a mutiny might take place without the inhabitants of the country being apprised of it beforehand, because there was not that communication between the military and the civil population which exists in Bengal. In Bengal it is part of the condition of the Sepoy service that the Sepoy shall have a portion of the year to spend with his family, and, in consequence, there was a closer union between the civil and military population; and there could not be the least doubt in the mind of any one who had experience of India, that an event, such as the Indian revolt, could not take place unless the whole country had made common cause. The demands for vengeance and justice, on the part of Lord Shaftesbury, appeared to him to be unbecoming in a man who was personally reminding them of the requirements of Christianity. (Cheers.) It appeared to him (Mr. Lewin) that it would have been far more appropriate had Lord Shaftesbury, instead of exciting the popular passions—instead of saying, "An eye for an eye, and a tooth for a tooth," appealed to the text, "Love your enemies, bless them that curse you, and pray for them that despitefully use you and persecute you." (Cheers.) Lord Shaftesbury said, "Again I maintain that, in the sense of humanity, justice, complete justice, must be done to the full, if it be only to check the feeling that is rapidly growing up." Now, it was needless to pursue this subject. The passions of men's minds and hearts were already worked up to a high pitch of excitement; and it was to allay, if possible, the call for indiscriminate punishment, which almost amounted to a national frenzy, that this Meeting was convened, and that he had consented to take part in its proceedings. (Hear, hear.) The

accounts received from India of the destruction of a large portion of the rebels would seem to indicate that justice had already been satisfied, and that the time has arrived when we should rather seek to find a cause for mercy, than a motive for punishment. Lord Shaftesbury said, "Justice, I maintain, must be satisfied. Every principle of policy, every principle of religion, requires it. It is the greatest policy, in the sense of humanity, that justice should be fully exercised." Had the wealth and title of Lord Shaftesbury been held out to him as the reward of uttering such a speech, he solemnly declared that he would not have uttered it. (Cheers.) After some further remarks of a general character, Mr. Lewin concluded by thanking the audience for the attention with which they had listened to his address.

Mr. JONES moved the first Resolution, which was as follows:—

"That whilst the Government is called upon to punish the authors of the atrocities lately committed on our countrymen, countrywomen, and helpless children, in India, justice demands that full inquiry be made in order to separate such heinous criminals from other persons who, though they may not have been wholly innocent of resistance to the authority of the Government, have been far less guilty."

After some general introductory remarks, he proceeded to denounce that portion of the English press, headed by the *Times*, which had sought to bound on the people of this country against India, and the purport of whose articles was, that a war of vengeance should be waged against the inhabitants. In an illustrated paper, the contest in India had been presented to the world as a contest between lions and tigers, the moral of which was, that a war of extermination had been entered upon: and in another publication, the Christian Queen of England was represented as in the act of wreaking vengeance on her own subjects in India. (Hear, hear.) Was that the attitude in which the Christian people of England wished to be presented in relation to India? (Cries of No, no.) If the character of their Christianity had been truly represented by these publications—if their religion, instead of being one of peace and mercy, was but the embodiment of vengeance and slaughter—he could have no hesitation in declaring that the people of India would be fully justified in any attempt to overthrow British power in that country. (Cheers.) The newspapers to which he alluded did not represent the true feeling of the country. They found that they had gone too far in their demands for vengeance, and there was now a certain degree of moderation visible in their tone. (Hear, hear.) There had been a cry for stern justice, which might signify more than was expressed; and Lord Shaftesbury, he grieved to say, had joined in that cry. He (Mr. Jones) would advocate justice too; but it should be that high kind of justice which recognised mercy, and which, having taken all the circumstances of the revolt into account, and made allowances for the frailty of human nature, would arrive at a temperate and unimpassioned decision. (Hear, hear.) They should not make the English temperament the basis by which they would judge the Indian character; and when they came to talk of justice—of that "stern justice" which was now demanded—they should remember the services which, on

former occasions, the Sepoys had rendered to British interests in India. If the Sepoys had acted with abominable cruelty—if they had committed crimes at which humanity shuddered—Englishmen should bear in mind the fact, that they themselves had made them the instruments of atrocities at which the blood ran cold ; and that, under English command, they had learned lessons of vengeance, in the destruction of life and property, which they could not have been expected to forget. (Hear, hear.) He denied that the atrocities of the recent revolt were, as had been asserted, without parallel in the history of modern times. They had all heard of the atrocities committed by British soldiers in Spain ; nor need he remind them of the immolations in Algeria by the French, with whom they had now fraternized. (Cheers.) Let it not, then, be said that the atrocities of the Hindoos stood alone, and that, in consequence of them, they were driven beyond the pale of civilization. Not only had they fought for England, but they had suffered from England. (Cheers.) There had been a violent and needless interference with many of the most cherished laws and customs of the people, as stated by the previous speaker, and annexations of territory had taken place, which could not fail to provoke their anger and resentment. Our policy in India had been characterized by the most grievous injustice. (Hear, hear.) When our power in the country was weak, we shaped our measures in accordance with it : when we became strong, we thought of nothing but spoliation and aggression : and Lord Dalhousie, acting in opposition to some of the wisest men in India, seemed to have brought that policy to the culminating point. (Hear, hear.) By the annexation of Oude the inhabitants had been subjected to great suffering. Not merely was the country divided and broken up, and the native authorities set aside, but a Commission was appointed to examine into the validity of the deeds by which the nobility held their lands, and thus confusion and discontent were created. Such a course of policy was not the less objectionable because it was carried out in a distant country. What would be injustice in England would be also injustice in India ; and if a Commission, such as that to which he had alluded, were instituted here, they would have an insurrection, in the midst of which, it is not unlikely, would be found Lord Shaftesbury himself. (Cheers and laughter.) When they knew that a large portion of the native troops—the Sepoys—were drawn from Oude, they should not be surprised that these troops were foremost in the insurrection. Having detailed many of the grievances to which the people of India had been subjected, Mr. Jones concluded, amid loud cheers, by calling on the Meeting to ratify the spirit of the Resolution, which would separate justice from vengeance, and protect the innocent while punishing the guilty.

Mr. R. N. FOWLER, in seconding the Resolution, expressed the regret with which he witnessed the inhuman call for vengeance by a portion of the press of this country. That call he repudiated as unchristian and impolitic ; and he believed it would not find an echo in the hearts of the English people. (Hear, hear.) A question had been raised in the House of Commons and in the country, as to whether this was a military revolt or an insurrection. The Government, in order to shift the blame as much as possible from themselves, maintained that it was a mere military revolt. So far as appearances went, the revolt, he believed, did not spread beyond the army, and was very much confined to the Bengal army ; but he apprehended there were circumstances which would prove that the people sympathized with the troops which had re-

volted. (Hear, hear.) It was remarked by Mr. Macaulay—now Lord Macaulay—that India must be governed in India, and that native magistrates had more power in their hands than could possibly be possessed by English functionaries. This he believed was the fact; and in the future Government of India he trusted that it would be remembered and acted upon. (Cheers.) As to the religious feelings of the natives, which were very strong, he contended that the Government ought to respect them; but, at the same time, they ought to allow every facility for Missionary operations. (Hear, hear.) He demanded that full justice should be done to India, both for the sake of that country and for the sake of England, for they were both bound up together. (Hear, hear.) His own opinions were not unfavourable to the Company, but he feared aggression had continually gone on; and while this policy was pursued they must expect to be engaged in wars. (Hear, hear.) Now it was not by wars that they could improve India. (Hear, hear.) If they desired to develop the resources of the country, which were all but illimitable, they must turn their attention to great public works, such as railways and canals. (Hear, hear.) He regretted the part which Lord Shaftesbury, so long devoted to philanthropic projects, had taken, in relation to the revolt, the horrors of which they all equally deplored. (Cries of Hear, hear.) Assuming that the Sepoys were as bad as they had been represented to be, they should still recollect that they were men, and that they had not experienced in their hearts the civilizing influences of that faith which their rulers professed. (Hear, hear.) In conclusion, he trusted that the Christian feelings of Englishmen would lead them to declare, that, much as they lamented the horrors which had been perpetrated in India, they desired to see justice in mercy enforced, so that they might carry out the will of Him who came to promote peace on earth and goodwill amongst the children of men. (Cheers.)

Mr. DAWES read a leading article from the *Times* in 1847, which took a view of Indian affairs diametrically opposed to that which they were advocating now, and declared he would rather be the meanest pauper in the workhouse, than be the owner, and have the large revenue, of the *Times*, with the guilt upon his soul of hounding on the people to bloodshed. (Cheers.)

The Resolution was then put, and carried unanimously.

The Rev. CHARLES STOVEL moved the next Resolution—

“That, in discriminating between the innocent and the guilty, and in estimating the degree of guilt in the offenders, it is due to those who merely deserted the Government through fear, to inquire how far their loyalty has been compromised by the inability of the Government to afford them protection in consequence of measures which denuded the country of European troops, and left the inhabitants at the mercy of the insurgents, to whom this insecurity offered a tempting opportunity for revolt.”

He expressed his belief that the steps taken by the Meeting would go but a short way in providing a remedy for the evils under which India suffered: and had he been previously aware that such was the case, he would not have attended. He had heard the description of the injustice done by the British Government to India. It was his impression that the little facts adduced had diverted their minds from the other state-



ments that had been kept back ; and he was convinced that these facts did not give a fair impression of the extent of the sinfulness perpetrated by England on the Indian soil. Upon England now devolved the solemn responsibility of reconstructing that state of society in India which had been all but broken up ; and he trusted that, in undertaking that heavy task, such reforms would be introduced, and such effective changes made, as would save the new structure from the dangers of fresh convulsions. (Hear, hear.) He believed that, even in Delhi, there was a large number of persons belonging to what, in England, they called the "middle class," whose opinions ought not to be despised in the future government of India, and upon whom they could rely in maintaining such reforms in the laws as the condition of the country demanded. (Hear, hear.) Their great object at present should be, to see that the mutiny was effectively put down, and with as much humanity as was consistent with the re-establishment of order ; and he believed the task was in the hands of men who would accomplish it. The sooner it was accomplished the better. (Hear, hear.) But let them have no revenge, for revenge did not belong to Christian men. (Cheers.) He was not an advocate for war : he was a man of peace ; but he contended that the outbreaks of society ought to be put down ; and, in putting them down, they should use the most direct means. When they came hereafter to deal with India, they should not present justice to the people at the point of the bayonet : that weapon should then be laid aside, and such a course adopted as would be maintained more by the strength of its own equity than by military force. (Hear, hear.) He felt convinced that the British Government had not done its duty in developing the resources of India. These resources might be increased sevenfold in seven years. With regard to religion in India, he maintained that it should be perfectly emancipated from state control ; for it was monstrous that funds should be granted by the Government for temples wherein idols were worshipped : it was monstrous that the Government should, at the same time, support both Juggernaut and Jesus. (Hear, hear.)

Mr. RICHARD SMITH seconded the Resolution. which was adopted.

MAJOR OTTLEY Retired List, Madras Army, moved the third Resolution—

"That, in awarding punishment where crime is proved, mercy calls on the ruling powers to take into due consideration any extenuating circumstances, if such there may be, whether consisting in provocation received in the violation of religious scruples, or in injury inflicted through oppression or injustice, either sanctioned or accidental.

"That it ought to be kept in prominent view that the barbarous crimes recently perpetrated are the acts of a comparatively small number, and repugnant to the Indian character, as shewn by long experience.

"The preservation of the lives of many of our countrymen, on several late occasions, by the spontaneous exertions of natives, at their own great risk, is the strongest proof of this fact, and is convincing evidence that the general massacre of Europeans was not the prevailing object of the insurrection."

He begged to express his gratification that a Meeting had been called

for the purpose of endeavouring to put a stop to proceedings in India—butcheries perpetrated by British soldiers and others—which must bring indelible disgrace on the British character. In the name of justice and humanity he would denounce the perpetrators of those butcheries; and he called upon the country to reprobate the conduct of all who had been guilty of unnecessary bloodshed, or cruelty of any other kind. (Cheers.) Yielding to no man in his detestation of the atrocities which had been committed against Europeans, he would yet ask whether, when “the sufferers in India” were spoken of, some consideration should not be accorded to the sufferings of the natives of that country, who had been brought under a system of, nominally, “martial law,” but, in reality, relentless and indiscriminating vengeance—a vengeance preached, under one euphemism or another, from, alas! how many pulpits on the day of so-called “humiliation!” (Hear, hear.) It was indeed with mingled feelings of horror and disgust that he had read the published notices of several of the sermons preached on that day. Many of the speeches delivered at Meetings held “for the relief of the Indian sufferers” had also been of the most truculent description. In one of them, in particular, a layman having ventured to express his hope that, in the hour of victory, our soldiers would be able to “restrain their feelings” (in other words, to refrain from unjust deeds of blood and rapine), a Reverend Gentleman had thought it his duty to reprove the sentiment, urging that “the present was the time for vengeance: the time for mercy was not yet come.” The mercy of *such* “ministers of peace” appeared to be the temperance of the satiated glutton. “Feast us to our heart’s content with ‘vengeance’ (though some Book says *that does* belong elsewhere), and, lo and behold, we will be clement.” Such was the substance of their cry! They would become excessively forgiving, so soon as they had left no one to be forgiven beyond their blood-polluted selves. (Hear, hear.) But in the present state of most minds in this country, the less said about “mercy,” perhaps, the better. If there was one word that he would have altered in the ably-drawn up Resolution he had just, quite unexpectedly, been invited to propose, it was the word “mercy,” for which he would have substituted “justice;” for justice, the commonest justice, demanded, he considered, that every thing pressed for in that Resolution should be done. (Hear, hear.) It might be well to glance at the nature of the tribunals under sentence of which (when any tribunals at all had been resorted to) life had already so unsparingly been taken. “Military law”—at least as administered to the natives of India—was fraught in its working with oppression; a fact which had forced itself so painfully on his attention many years back, that, in a numerous series of letters, published in the *Madras Spectator* in 1838 and 1839, he had felt it his duty to point out the imperative necessity of an amelioration of the system, if justice, and not merely convictions, were the object to be attained. The native tried by a court-martial knew, of course, nothing of English modes of judicial investigation,—nothing of the language in which the proceedings were recorded. Arrayed against him as prosecutor (the prisoner himself being totally undefended and unassisted) was an influential European official (the Judge-Advocate), who had, *in limine*, prepared the charge against him, and who, finally, at the termination of the inquiry, was closeted with the Court, as its “*legal adviser*,” while the Court was arriving at its finding and sentence,—the prisoner having, in the mean time, been removed to the guard-room. Lastly, the native prisoner (and here a specially strong emphasis should

be laid on the word "*native*") was, to the end of time, (at least such was the practice in the Madras Presidency), denied a copy of the proceedings on his trial :—whereas every *European* tried by a general court-martial ("or any one on his behalf") was, whether acquittal or conviction had ensued, entitled, after the lapse of a reasonable fixed period from the close of the trial, to demand to be supplied with such a document ;—a most important guarantee for justice, and one which the chairman of that very Meeting, in his generous efforts on behalf of the 6th Madras Light Cavalry, had repeatedly, but vainly, striven to obtain for the native,—who obviously required it still more than the *European*. (Hear, hear.) But "*military law*," even as administered to the natives of India, was equity itself as compared with "*martial law*," as proclaimed by the Supreme Government; and "*martial law*," as proclaimed by the Supreme Government, was Utopian justice and humanity, as contrasted with the course which appeared to have, in practice, been pursued. (Hear, hear.) To allude for a moment to the "greased cartridges." This was a point to which he attached far more importance than many did. A letter written by a lady at Meerut, *before* the outbreak, and which had been published in one of the papers, went to prove that the 3d Bengal Cavalry had earnestly *petitioned* against these offensive cartridges; and it seemed extremely probable that, had not the reasonable prayer of that petition been rejected, the horrors which England, and still more, if possible, unhappy India, had had to deplore, would never have occurred. (Hear, hear.) After dwelling in terms of strong reprobation on the putting to death of untried individuals at Peshawar, by orders transmitted by electric telegraph, on the mere report of a spy; on the firing "without questions asked" (*i.e.* without *challenging*) on all natives approaching an encampment near Allahabad; on the sending out parties of soldiers from Allahabad to hang *all* natives who might be found upon the roads (!); on the setting fire, the same morning, to the houses of natives at the same station, and firing grape-shot on the inmates when rushing out to save their lives; on the un-English invention by which intense mental and bodily agony had been studiously made, by the officer in command at Cawnpore, to precede the infliction of death; and on other examples of the ruthless manner in which the natives of this country had been treated ;—the speaker called upon the Meeting to repudiate these acts, and "all such" acts, as alike unwarrantable in themselves, discreditable in the eyes of Europe, and calculated justly to incense the much-wronged people of India. (Cheers.)

Mr. F. W. CHESON, in seconding the Resolution, said that he thought it was of the highest importance that the Meeting should impress upon the Government the duty of developing the resources of India to a far greater extent than had ever yet been attempted. He believed that our greatest security against future revolt was to be found in making the trade between England and her Indian possessions more and more profitable, so that the two countries would be united by those bonds of mutual self-interest which would far more surely maintain British supremacy in the East than the 100,000 English bayonets which the *Times* had proposed to despatch as a permanent resident force. (Hear, hear.) We had shamefully neglected the commercial interests of India; and he referred to the question of cotton supply as an illustration. Owing to our neglect of India in this respect, we were almost altogether dependent for our cotton upon the slave pro-

duce of the United States; and that country really possessed a monopoly of the markets of the world. (Hear, hear.) The imports of American cotton into this country have increased from 1,018,361 bales in 1842, to 1,784,388, in 1852; while the imports of East-India cotton, which amounted to 254,881 bales in 1842, had actually decreased to 213,183 in 1852. There could be no doubt that these deplorable results were occasioned by misgovernment on the part of the East-India Company. On this point he would quote one from many striking facts which had been published by General Briggs. "In Guzerat," said the gallant gentleman, "746 pounds of clean cotton may be raised on seven acres of land, giving 106 pounds per acre. The land-tax on the same is 5*l.* 12*s.*, being 16*s.* per acre. This cotton, estimated at 2*d.* per pound, which is 40 per cent. more than its value at Dharwar, will sell for 1*l.* 1*s.*; from which if we deduct 16*s.*, we have scarcely more than 25 per cent. of the whole produce to pay the expenses of cultivation, and for the return of interest on capital, while the Government receives 75 per cent. of the whole produce as the tax." (Hear, hear.) He believed that if the Government were to construct great public works in India they would not only immeasurably increase the prosperity and contentment of all classes of the people, but would succeed admirably in a financial point of view. (Hear, hear.) The western road from Madras has already reduced the cost of transit from 6*½d.* to 1*¾d.* per mile. The works for the improvement of irrigation in the same Presidency, which have cost in fourteen years the sum of 55,000*l.* only, have realized 70 per cent. profit to Government, besides all the profits derived by private individuals. The Jumna Canal cost 90,000*l.*, and produces a revenue of 25,000*l.* (Hear, hear.) These were but a few facts gleaned from a multitude which he might quote; and to his mind they served to prove, that if we would construct and encourage in India works of internal improvement and industrial enterprise—if we would open up the great rivers of India, lay down railroads, and dig out canals, where railroads and canals are needed—if we would make the cultivation of opium give place to the growth of cotton—if we would look for our revenue to be paid by a great and prosperous community, rather than to be ground out of the wretched Ryot in the shape of an oppressive land-tax, or a still more odious salt-tax;—if, in brief, we would give to our Indian fellow-subjects good government, just laws, and the practice as well as the theory of Christianity, British rule in India would be established on a foundation far more durable than that of the greatest empire sustained by the sword alone. (Cheers.)

Dr. HODGKIN moved the fourth Resolution—

"That it is the duty of England, as a Christian country, to repress the spirit of vengeance now generally excited, and to bear in mind, that punishment without proof, severe and cruel in its kind, and confounding the innocent and the guilty in its execution, can only tend to degrade our national character to the level of those whose atrocities we condemn.

"That, on the contrary, in seeking to restore peace and tranquillity to India, now distracted by rebellion, both policy and religion enjoin that the aim of England must be to recognise the inalienable rights of the natives, in common with our own, and to provide, that whilst all classes are concerned in the establishment and maintenance of the Government, the people may be protected from the abuse of power; that they may be free by their

just obedience, and the magistrates honourable by their wise administration. The general recognition of these opinions, in England, would be hailed with acclamation in India, and the standard of revolt would soon be deserted."

In supporting the Resolution, he expressed his regret that the Rev. C. Stovel had left the room before all the Resolutions had been proposed, as he believed that the one which he had to move contained in itself the substance of the reforms which that gentleman desired. With respect to the first portion of the Resolution, little need to be said. Even those who did not agree with him, and with the members of the Society to which he belonged, in believing all war was inconsistent with the precepts of our Saviour, must, nevertheless, condemn as un-Christian the acts of our own soldiers on such occasions as the sieges of Badajoz and San Sebastian. (Hear, hear.) Yet the language of the press was calculated to excite to the repetition of similar atrocities. He believed that these efforts to stimulate the spirit of vengeance were occasioned by the desire to diminish the difficulty of raising recruits for the army; and he could but rejoice in the existence of that difficulty. In speaking to the second part of the Resolution, he referred to the recent excellent work of Bruce Norton, which was in accordance with much that had been stated by the Chairman, and he recommended it to general perusal. He urged the impolicy of the cry for severity; and cited the example of one of the oldest revolts recorded in history. When Rehoboam, in reply to the appeal of his people, took the counsel of the young men, and said his father had chastised them with whips, but that he would chastise them with scorpions, ten tribes revolted from his rule. (Hear, hear.) In like manner our Indian fellow-subjects, to whom the vindictive policy of this country must be known, would be excited to a more general and obstinate revolt. On the other hand, by recognising the principles embodied in the Resolution, the intelligent portion of the Indian community would be conciliated to allegiance, and, instead of the Indian Government being obliged to gag the press, it would become the powerful agent of diffusing those sentiments by which order would be restored, and loyalty to our authority be promoted. (Cheers.)

Mr. JOHN DICKINSON, Jun., seconded the Resolution. He declared that he attended the Meeting, not knowing what the character of it would be, for the sole purpose of raising his voice against the indiscriminate punishment of the Indian people. (Cheers.) He was heartily delighted to find that some of the most resolute protests against the atrocities of British soldiers in India had come from military men. (Hear, hear.) Most of the English community in India had suffered either in person or property by the revolt; and, on that account, some allowance should be made for their exasperation against those engaged in it. It was certainly the duty of those who had not come in contact with the mutiny to soothe and calm down that feeling. If England wished to retain India, they should begin a new course of policy, by acknowledging that, in many respects, they had not governed the country well. (Hear, hear.) Of this they might be certain, they could not hold India by a continuance in that policy which had been hitherto enforced. (Cheers.)

The Resolution was then adopted.

On the motion of Dr. HODGKIN, seconded by MAJOR OTTLEY, a cordial vote of thanks was passed to the Chairman, and the Meeting separated.



Sree Munt Dhoondoo Punt, commonly called Nana Sahib, Rajah of Bithoor, is the eldest son, by adoption, of the late Badjee Rao, ex-Peishwa of the Mahrattas.

Badjee Rao was for many years previous and up to the time of his death a dethroned pensioner of the East India Company. When in the zenith of his power, he was one of those Princes whose aid was evoked by the East India Company to crush the formidable Tippoo Sahib; but after the overthrow and death of that potentate the Peishwa's rich territories excited their cupidity, and an occasion was soon found for interference in his affairs. The East India Company dispossessed the Nabob of Surat, who was tributary to Badjee Rao, and the latter would not forego his right to the tribute in their favour; they therefore incited Jesswunt Rao, commonly known as Holkar, another Mahratta chief, to attack him. In the first campaign, which took place in 1801, Badjee Rao was successful; but in the second defeated and forced to fly. Jesswunt Rao, in conjunction with other Mahratta Chiefs, then declared the throne vacated by Badjee Rao's flight, and offered Amrut Rao the Peishwaship. Raghoue, the father of Badjee Rao, had adopted this Amrut Rao before Badjee Rao's birth, fearing the doom awarded by the Hindoo Shrasters (*i.e.* *Scriptures*) to the childless. Amrut Rao declined to ascend his adopted brother's throne, but allowed his son Venaick Rao Boppa Sahib to be nominated to it. The East India Company now stepped in and concluded two treaties, one with the Peishwa, and the other with the usurper of his throne. That with Badjee Rao forced him to relinquish his right to the tribute from the territories of the Nabob of Surat, to admit the East India Company's

troops into all his strong places, and to provide besides their subsistence and pay! The other treaty with Amrut Rao and his son, for their successive lives secured to them an annual revenue of seven lacs of rupees (£70,000 sterling), and an asylum in the East India Company's territories.\*

These treaties were made in 1803. Amrut Rao lived till 1824, when the pension devolved on his son Venaick Rao Boppa Sahib, by whom it is still enjoyed. He resides at Tirohee, in Bundelcund, where the East India Company gave his father a small territory within which he exercised independent authority.

The East India Company having, by the treaty with Badjee Rao, obtained a hold on the Deccan, allowed no opportunity to slip of extorting fresh advantages.

The tangled web of conditions and stipulations with which they by degrees surrounded him rendered the avoidance of infringement of some point or other impossible. The English Resident would then inform his master, and in due course the Governor-General his Council, that Badjee Rao had broken faith and must be punished.

The Peishwa invariably purchased forbearance by fresh concessions. Distrust and hatred thus engendered on the one side, and a grasping covetousness and ambition on the other, produced, in due course, the usual result—war, in which the year 1817 saw Badjee Rao fiercely engaged with the East India Company. After various vicissitudes, in which fortune was wholly on the side of his opponents, he seized, at the head of 8,000 men, on an advantageous post, determined there to make a last desperate stand “or be for ever fallen.” The British Commander, Brigadier-General Sir John Malcolm (actuated, it is right to suppose, by a desire to save the further effusion of blood), on the

\* This last treaty with Amrut Rao, it may be worthy of remark, was made on the part of the East India Company by the late Duke of Wellington, then Sir Arthur Wellesley, invested with civil as well as military authority by the Governor-General, who was his brother, the Earl of Mornington.



eve of the battle which was to decide the fate of the Sovereign of the Deccan, sent a flag of truce to Badjee Rao's camp, with the following proposals:—

“1st JUNE, 1818.

“First,—That Badjee Rao shall resign, for himself and his successors, all right, title, and claim over the Government of Poona, or to any Sovereign power whatever.

“Second,—That Badjee Rao shall immediately come with his family, and a small number of his adherents and attendants, to the Camp of Brigadier-General Malcolm, where he shall be received with honour and respect, and escorted safe to the City of Benares, or any other sacred place in Hindostan that the Governor-General may, at his request, fix for his residence.

“Third,—On account of the peace of the Deccan, and the advanced state of the season, Badjee Rao must proceed to Hindostan without one day's delay; but General Malcolm engages that any part of his family that may be left behind shall be sent to him as early as possible, and every facility given to make their journey speedy and convenient.

“Fourth,—That Badjee Rao shall, on his voluntarily agreeing to this arrangement, receive a liberal pension from the Company's Government for the support of himself and his family. The amount of the pension will be fixed by the Governor-General, but Brigadier-General Malcolm takes upon himself to engage that it shall not be less than eight lacs of rupees per annum.

“Fifth,—If Badjee Rao, by a ready and complete fulfilment of this agreement, shows that he reposes entire confidence in the British Government, his requests in favour of the principal Jayhudas and old adherents, who have been ruined by their attachment to him, will meet with liberal attention. His representations also in favour of Brahmins of remarkable character, and of religious establishments founded or supported by his family, shall be treated with regard.

“Sixth,—The above propositions must not only be accepted by Badjee Rao, but he must personally come into Brigadier-General Malcolm's camp within twenty-four hours of this period, or else hostilities will be recommenced, and no further negotiations will be entered into with him.”

After long deliberation with his Minister and High Officers of State, the Peishwa decided on closing with the offer of the English General. He accordingly proceeded within the time prescribed to the English Camp, accompanied by his family and personal adherents, and afterwards, by the direction of the Indian Government, to Hindostan, where Bithoor was assigned for their future residence. The East India Company were highly displeased at the treaty made by Sir John Malcolm, the terms of which they considered showed a leniency utterly disproportionate to the extremity of the foe; and Lord Hastings, then Governor-General, though he would not infringe the plighted faith of the British Commander (so careful were the East India Company of their word in those days!) was particular to limit the stipulated allowance to the minimum sum mentioned in the treaty, viz., eight lacs of rupees (£80,000) per annum.

\* By an Act of the Government of India (then called a Regulation), entitled Regulation I. of 1832, the ex-Peishwa was empowered, under certain restrictions, to exercise the civil and criminal jurisdiction within the limits of a tract of land which the East India Company had granted to him at Bithoor; and there, surrounded by a few faithful adherents, who had expatriated themselves to share his fallen fortunes, with such shadow and semblance of royalty, the great Badjee Rao, the Indian Mithridates, last Sovereign of the powerful Mahratta nation, resided till his death, which happened on the 28th January, 1851. At the first meeting of the Council Board at Calcutta after his death became officially known, the Governor-General, Lord Dalhousie, placed on the table one of those famous minutes so fatal to the fortunes of many an Indian Prince. It ruled that Badjee Rao had, for a long series of years, reaped the fruits of an unduly advantageous bargain; that he had saved a large sum out of his stipend; and that it should not be continued to his family. The Governor-General having thus summarily absorbed the pension, made, by another stroke of his pen, equally short work of Regulation I. of 1832, above quoted, ordering the introduction of the East India Company's jurisdiction, civil and criminal, within the little tract of land which had been granted to Badjee Rao, and was by that Act exempted, as before stated. These decisions, on being made known to Nana Sahib, Badjee Rao's widows (of whom he left several), and the other members of the ex-Peishwa's family at Bithoor, caused the greatest grief and terror, for though some modification of the grant to the ex-Peishwa might have been anticipated by them, the sweeping root and branch work of Lord Dalhousie created no less surprise than consternation. They saw not only themselves, but the whole band of Badjee Rao's faithful adherents, with their families, who had followed him into exile, and who were wholly dependent on the ex-Peishwa for support, denuded of all resources, beyond the comparatively

trifling sum received as interest on Badjee Rao's savings.

On the 24th June, 1851, Nana Sahib forwarded an urgent Memorial of the circumstances to the Lieutenant-Governor of the North-West Provinces of India, but was informed in answer to it that the pension could not be continued; that the tract of land would only be continued to him for his life; and that the residents therein were amenable to the East India Company's Courts. The Commissioner of Bithoor, who was a public officer of rank and high standing in the service of the East India Company, and who, it was fair to suppose, knew something of the circumstances and claims of the family of the ex-Peishwa, made an urgent appeal to the Government in their favour, for at least a portion of the income stipulated to be paid to Badjee Rao. This drew on him a severe reprimand, and in a letter from the Secretary of the Government of India, of date the 24th September, 1851, his recommendation was stigmatised by the Governor-General as "uncalled for and unwarrantable." Nana Sahib now addressed the Governor-General in Council, the only answer to which was a direction to him to bring the case before them, through the subordinate Government, namely, the Government of the North-West Provinces, which Nana Sahib had appealed to in the first instance, and which, under the inspiration of the Governor-General, had returned him the answer already stated. Nana Sahib, disdaining further remonstrance in India, determined on addressing the Court of Directors at Leadenhall Street, and a memorial to them was handed to the Government at Calcutta for transmission, on the 29th December, 1852. Nana Sahib furthermore deputed the compiler of these facts to England, with instructions to urge his case through every channel which offered a chance of obtaining redress.

The grievances of dependant Native Princes against the East India Company, not one of whom, by the way, ever obtained any redress from an appeal to England, had multiplied so fast under their recent policy, that the appeal of a Native Rajah

came to be looked on in England as a sort of complaint, which had to be put through a mild stage of memorial treatment. Commencing abroad, thence travelling through various departments, till the course ended in Leadenhall Street, the irritation was generally found to subside of itself, leaving the patient a little weak and exhausted, but in a fair way of recovering from any illusions he might have been labouring under when first attacked. To such an extent did this feeling prevail in England, that it required some exercise of moral courage to announce oneself as the actual advocate of the cause of a Native Prince; but few would tolerate the recital, and none give it credence. The Court of Directors and Board of Control, under such a favourable state of public feeling, did not treat the advocate with any excess of courtesy; not that they were particularly anxious to be rid of his importunities, as long as they were quietly conducted, for it added to their dignity to have such persons waiting for an hour or two in the ante-chamber at the India House once or twice a week. They naturally did not feel called upon to decide in a hurry; and as advocates could not be found who would exercise their functions for nothing, the Memorialist sometimes gave up the cause rather than that his purse, as well as his patience, should be wholly exhausted. In June, 1853, nothing was known at the India House of the Memorial of the 29th December, 1852. Six months later the Court had sent it back to the Indian Government, requiring to be informed if the facts were correctly stated; another interval of a few months, and the Indian Government had not returned it. At length it has come, but nothing could be said, as it had not been laid before the Committee of the Directors of Foreign Affairs. The Committee of Foreign Affairs by this time expected Lord Dalhousie home, and would like to hear his reasons before making their report for the information of the Board at large; and at length, after some two or three years have elapsed, the advocate is verbally informed that the Court have declined to

accede to the prayer of the Memorial, and that their decision has been sent out to the Indian Government, by whom it will be in due course (*i.e.* another year or so) communicated to the parties. During the time thus occupied Nana Sahib supported himself, and the family and adherents of the ex-Peishwa, on the principal money saved by Badjee Rao, and which had been invested by him in Government Stock, which stock forms the territorial debt of the East India Company, and is commonly known in India as "Company's paper." Some idea may be formed of the necessities of such a household, from the fact which\* has lately appeared, *viz.*, that of the immense sum so invested by Badjee Rao, but three lacs and a half (£35,000) of stock remained when Nana Sahib took up arms, and which, of course, was thereupon immediately forfeited to themselves by the Indian Government.

Nana Sahib, under a smooth exterior, unites abilities of no common order to strong and vindictive passions. His Memorials, though drawn under his instructions, were invariably found fault with by him, for the tameness of their language, yet will be found to express his claims with a spirit and vehemence wholly unusual in documents of a similar character addressed to the Indian Government. A few extracts will be given in illustration of this position as to the character of the man. Paragraphs 4 and 6 of his Memorial to the Governor-General in Council, after the answer to that which he had sent to the Lieutenant-Governor of the North-West Provinces, are couched in the following terms:—

"4. That your Memorialist's father died on the 28th January, 1851, leaving besides your Memorialist and other adopted sons and their children, a large family, and a band of faithful adherents, with no other than the resources just mentioned,\* not amounting to a tenth of the allowance he received from the Company. The inadequacy of the sum for the maintenance of the family and establishment of a Prince who was at the head

\* Referring to Badjee Rao's savings.

“ of the Mahratta Sovereigns, may be easily conceived; but it is im-  
 “ possible for your Memorialist to express the surprise and grief  
 “ with which he learnt that the Company’s stipulated allowance  
 “ was to be at once and wholly discontinued; that the Peishwa’s  
 “ family were to be left dependent on their own trifling resources;  
 “ and that even the sovereignty of the Jaghire of Bithoor,  
 “ which had been conceded to preserve his family and adherents  
 “ from the indignity of being summoned before the Company’s  
 Courts, was to be resumed.

“ 6. That your Memorialist would fain believe that the  
 “ determination to withhold the pension granted by a solemn  
 “ pact has been arrived at without due consideration of  
 “ the terms guaranteed by the Company. Those terms clearly  
 “ include the support of the family as well as of the Peishwa,  
 “ for the 4th Article expressly states ‘that Badjee Rao shall,  
 “ on his voluntarily agreeing to this arrangement, receive a  
 “ liberal pension from the Company’s Government for the  
 “ support of himself and family.’ The Peishwa fulfilled all  
 “ that had been required from him, ceded his dominions to  
 “ the Company, and placed himself and his family in their  
 “ hands. The Company have only in part performed their  
 “ engagement by providing for their support on the limited  
 “ scale fixed by Lord Hastings, but they overlook that part  
 “ which respects his family. The mention of his family implies  
 “ a provision for their support after his decease.\* In any other  
 “ case such mention was unnecessary, as a provision for the  
 “ support of the Prince necessarily included the maintenance  
 “ of his family. Even if there had been no mention of the  
 “ family in the stipulation between the Peishwa and the Company,  
 “ the nature and condition of the document would supply the  
 “ omission. For while the former, in the terms of the first  
 “ article, resigned ‘for himself and successors, all right, title, and

\* See Mr. Rolt’s opinion appended, on the strict legal construction of these words of the Treaty.

“claim over the Government of Poonah,’ how can it be supposed  
 “by any liberal, any considerate mind, that the latter are not  
 “bound to provide a suitable support, not only for himself, but  
 “his successors in all time to come, out of the revenues which  
 “they derive in perpetuity from the dominions ceded to them?  
 “Your Memorialist accordingly submits to the consideration of  
 “your Lordship in Council, whether it consist with the justice  
 “and liberality which ought to characterise Sovereign States, to  
 “withdraw from the family, immediately on the death of its  
 “head, the support accorded under such circumstances.” This  
 Memorial concluded with a statement that the Memorialist had  
 been “reduced to great straits by the measures which had been  
 “pursued towards him,” and trusting he should receive an early  
 reply, as “every day added to the distresses of his situation.”

The Memorial to the Court of Directors, of date the 29th  
 Dec., 1852, after it had become known to Nana Sahib that the  
 Governor-General based his decision on the grounds that Badjee  
 Rao had saved largely; and, secondly, that Nana Sahib was only  
 an adopted son, contains passages on both points which are  
 not unworthy of remark.

“4. That your Memorialist claims the continuance of the  
 “stipulated pension, both for the family of the Peishwa and  
 “for himself, as the representative of that Prince. Your Honour-  
 “able Court are probably aware that the Peishwa has left a  
 “family, who are entitled to a suitable support as such from  
 “the Company, in the terms of the stipulation, and that he  
 “adopted, under the injunctions of the Hindoo Law, three sons,  
 “of whom your Memorialist is the eldest, and as such, as well as  
 “by the will of the Peishwa,\* is successor to his dignity and  
 “rights. Your Memorialist cannot suppose that either the local  
 “Government or your Honourable Court are ignorant that, by the  
 “Hindoo Law, the adopted in no respect differs from the natural  
 “son. The same fact is evinced in the daily practice of the

\* See appended a translation of this remarkable document.

“Company’s Courts all over India in decreeing to the adopted “sons of Princes and Zemindars, and persons of every grade, the estate of those parties, to the exclusion of other heirs of the blood. Indeed, unless the British Government are prepared to “abrogate the Hindoo Sacred Code, and to interdict the practice of “the Hindoo religion, of both which *adoption* is a fundamental “principle, your Memorialist cannot understand with what consistency his claim to the pension of the late Peishwa can be “denied merely on the ground of his being an adopted son.”

This will be a proper place in which to illustrate the position taken by Nana Sahib.

Having attained an advanced age without probability of a son of his own body, Bidjee Rao, who was a strict Hindoo, no doubt felt and acknowledged the solemn obligations of that religion, which, among other doctrines, inculcates and enforces adoption as a religious obligation, to be observed by every Hindoo who has no son living. This religious and legal obligation to adopt is stated in several works on Hindoo law. In the English translation of the “Daltaka Mimamsa,” at page 2, is the following passage, “By a man destitute of a son only, must a substitute “for the same always be adopted, for the sake of the funeral cake, “water, and solemn rites;” and farther on, “in omitting to adopt “a son an offence is incurred, for the precept enjoining the “production of a son being positive, it results that the contravention of it is the cause of an offence, and that defect of any son “is general exclusion from Heaven, is declared in this text, ““Heaven awaits not one destitute of a son.”” Again, in the following passage, a son is shown to be the cause of redemption from debt, “A Brahmin on being born is produced a debtor, in “three obligations—to the Holy Saints for the practice of religious “duties; to the Gods for the performance of sacrifice; to his “forefathers for offspring. Or he is absolved from debt who, as a “son, has performed religious sacrifices and practised religious “duties.” Menu, the highest authority amongst Hindoos, says,



“ A son of any description must be anxiously adopted by one who  
 “ has none, for the sake of the funeral cake, water, and solemn  
 “ rites, and for the celebrity of his name.”

The “Elements of Hindoo Law,” by Sir Thomas Strange, vol. 1, page 61, states that adoption is a substitute for the failure of male issue, “the future beatitude of the man depending, “according to Hindoo religion, on the performance of his “obsequies, and the payment of his debts (viz., the three obligations under which he is born, above mentioned) by a son as the “means of redeeming him from an instant state of suffering after “death. The dread is of a place called *Put*, a place of horror, “to which the manes of the childless are supposed to be doomed, “there to be tormented with hunger and thirst for want of “those oblations of food and libations of water, at prescribed “periods, which it is the pious and indeed indispensable duty “of a son to offer.”

By the will of Badjee Rao it will be seen that Nana Sahib is declared his eldest son, heir, and representative. He was so, however, independently of that will, by operation of law, “for “the adopted son,” says the late Sir William Macnaghten, in his “Principles of Hindoo Laws,” vol. 1. p. 70, “is to all intents “and purposes a member of the family of his adoptive father, “and succeeds to his property collaterally as well as lineally ; “moreover he is excluded from participating in his natural “father's property.” Nana Sahib gives a list of the adopted sons of native Princes recognised by the East India Company, and indignantly asks why the treatment of Badjee Rao's adopted son should be so different? Returning from this digression to the Memorial to the Court—referring, at Paragraph 7, to the other ground taken by the Governor-General, viz., that Badjee Rao had saved a great sum, Nana Sahib says, “it is “altogether foreign to the question, and unprecedented in the “annals of the history of British India. The pension of eight “lacs of rupees per annum has been agreed upon on the part

“ of the British Government to enable his Highness the late  
 “ Badjee Rao to support himself and family, it is immaterial  
 “ to the British Government what portion of that sum the late  
 “ Prince actually expended ; nor has there been any agreement  
 “ entered into to the effect that his Highness the late Badjee  
 “ Rao should be compelled to expend every fraction of an annual  
 “ allowance accorded to him by a special treaty, in consideration  
 “ of his ceding to the British Government territories yielding an  
 “ annual and perpetual revenue of thirty-four lacs of rupees.\* No  
 “ body on earth had a right to control the expenditure of that  
 “ pension ; and if his late Highness Badjee Rao had saved every  
 “ fraction of it, he would have been perfectly justified in doing so.  
 “ Your Memorialist would venture to ask whether the British  
 “ Government ever deigns to inquire in what manner the pension  
 “ granted to any of its numerous retired servants is expended ; or  
 “ whether any of them saves a portion, and what portion of his  
 “ pension ? And, furthermore, whether, in the event of its being  
 “ proved that the incumbents of such pensions had saved a large  
 “ portion thereof, it would be considered a sufficient reason for  
 “ withholding the pension from the children in the proportions  
 “ stipulated by the covenant entered into with its servants ? And  
 “ yet, is a Native Prince, the descendant of a long line of Sovereigns,  
 “ who relied upon the justice and liberality of the British Govern-  
 “ ment, deserving of less consideration than one of its covenanted  
 “ servants ? ”

“ Paragraph 10.—That your Memorialist, considering his pre-  
 “ sent reduced circumstances, is willing to come to any equitable  
 “ settlement with the British Government regarding his claims, with  
 “ a view of speedily adjusting them ; and that your Memorialist is  
 “ prepared to treat with the utmost liberality consistent with the  
 “ nature of his unfortunate position, and those dependent on him.”

That Nana Sahib latterly became a sort of monomaniac on the  
 subject of his case, is manifest from the fact of his often compelling  
 his visitors to listen to its recital from beginning to end.

A gentleman who spent a day at Bithoor, and who has published an account of his visit in a late number of Mr. Dickens's "Household Words," observes that the harness attached to Nana Sahib's carriage was old and broken, and that the place of a missing trace was actually supplied by a piece of rope. Such an exhibition of poverty by one of the proudest Brahmins of the Mahratta race, evinced indeed that he was fast approaching the limit of his resources.

Imagine him then sullenly brooding in his palace at Bithoor, his long cherished claims ignored, his position unrecognised, surrounded by the various branches of the ex-Peishwa's family, and a band of his old adherents, all dependent on him for support, while "the savings" were fast melting away; contrasting what he would have been under the ancient dynasty, with what he was under these alien conquerors, sinking without hope into poverty and obscurity, and it is difficult to conceive a situation more likely to produce hatred and revenge, which at length burst forth, when an opportunity presented itself, and unhappily prompted those fiendish atrocities which, in all ages to come, will blacken his name.

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(COPY.)

*The Last Will and Testament of Sreemunt Maharajah Badjee Rao Ragsnath, Punt Purdhun Soorsun Urban Mayhateen Voh Aluf (1240), Sakeh 1761, Bakaree nam, Sum Umstur (according with 1839 Christian era.)*

This is written for the purpose of making known to Her Majesty the Queen of England, the Hon. East India Company, and to all men: That Dhoondoo Punt Nana, my eldest son, and Gungadhur Rao, my youngest and third son, and Sada Shew Punt Dada, son of my second son, Pandoo Rung Rao, my grandson; these three are my sons and grandson. After me, Dhoondoo Punt Nana, my eldest son, Mookh Purdhun, shall inherit, and be the sole master of the Guddee of Peishwa, the Dominions, Wealth, Desh Mookhee &c. Watum (family possessions,) Treasure, and all my real and personal property. And he, Dhoondoo Punt Nana and his Heirs, shall inherit the Rank of Peishwa, the Dominions, Wealth, &c. and his younger Brother, Gungadhur Rao, and his Nephew, Pundooring Rao Sada Shew, and their children, from generation to generation, as it becomes a Brother: and to the Servants and the Ryuts, as it is proper, he shall afford due support and maintenance. And Gungadhur Rao, and Pandoo Rung Rao, the Servants, the Ryuts, &c. shall pay obedience to Dhoondoo Punt Nana, Mookh Purdhun, and continue to serve him with fidelity, and be subject unto him. And, if I should hereafter beget a son of my own body, then, he shall, as aforesaid, be the Mookh

Purdhun, and Heir to Gu'dee of Peishwa ; and possess all the Dominions, Wealth, Desh Mookhee, &c. Watundaree, Treasure, and all my property whatsoever ; and his Heirs, from generation to generation. And shall provide, as is proper for his Brothers, Servants, and Ryuts. And Dhoondoo Punt Nana and all others shall pay obedience to him, and his Heirs. This Testament I have written with my free will and pleasure, dated 4th Shuval, Mittee, Aghan, Buddee, 5th Sakeh as above, according with 11th December, 1839.

After this, what can be said more ?

Witness

1st. RAM CHUNDER VENKTESH SOOBADAR.

Witness

Colonel JAMES MANSON in  
England.

This document was written under my superintendence, and signed by the Maharajah, and sealed in my presence, this 30th day of April, 1841.

2nd.—NARAIN RAM CHUNDER.—This paper was signed and sealed by Sreemunt Maharajah Punt Purdhan in my presence, this 30th day of April, 1841.

3rd.—This document has been signed and sealed by the Maharajah Punt Purdhan in our presence, this 30th day of April, 1841.

(Signed)

BAPOOJEE SUCCARAM GOOR BOOLAY.

BENAIK BULLA GOKTEH.

RAM CHUNDER GUNNISH BHIRCH.

(TRUE COPY.)

(COPY.)

#### Mr. ROLT'S OPINION.

1st.—I am of opinion that (whatever may be the true construction of the Treaty of June, 1818, as to the payment of the pension therein mentioned) there is no remedy in any of the Courts of Law or Equity against the East India Company in respect of anything contained in the Treaty. See "*Nabob of the Carnatic v. East India Company*," 2 Ves. Jun. 59.

2nd.—I am not aware that there is any course open to the Heirs of the late Badjee Rao, except to petition Parliament, if the Company decline compliance with the Memorial.

3rd.—I am of opinion, that even upon strict construction, the agreement is for a pension to the Badjee Rao for his life, and for the lives of his children, whether natural or adopted. The word "Family" may well be construed to mean "Heirs" or "Children," in the sense in which heirs or children are spoken of in the Hindoo law. A gift of, or an agreement to pay an annuity, without specifying the term during which it was to be paid has, under peculiar circumstances, been construed to mean a perpetual annuity, though the leaning of the Courts is to limit such an annuity to the life of the grantee. Here I think it cannot be held to mean a perpetual annuity, but there is good, and, I think, sufficient ground for saying that the agreement was to pay the annuity, or pension, during the lives of the Badjee and of his children. However, the question is scarcely one for strict legal construction; and the more general considerations applicable to the question, so far as I can judge of them, from the statements of the case, strongly tend, in my opinion, to show that provision ought to be made for the children of the Badjee. If it was intended that the pension should be limited to the life of the Badjee, the Treaty ought to have said so expressly, or ought not to have referred to the support of his family.

I cannot usefully advise with more precision as to the prospect of success.

JOHN ROLT.

LINCOLN'S INN, 1st August,

# MEMORANDUM

OF THE

IMPROVEMENTS IN THE ADMINISTRATION

OF INDIA

DURING THE LAST THIRTY YEARS,

AND THE

PETITION OF THE EAST-INDIA COMPANY

TO PARLIAMENT.

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LONDON:

WM. H. ALLEN & CO. 7, LEADENHALL

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1858.



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# MEMORANDUM,

*&c., &c.*

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AT this time, when a calamity unexampled in the history of British India has excited an unusual amount of interest in Indian affairs, while the statements publicly made, and the opinions expressed, concerning the administration of the Indian Government, strikingly manifest the deficiency of correct information on the subject; a brief survey of the principal measures which have been of late adopted for improving the internal government of the country, and the physical and mental condition of its inhabitants, may be serviceable in removing false impressions, and in supplying materials for a deliberate judgment.

It may be thought that this survey would most fitly commence from the last renewal of the powers of the East-India Company, with some modifications, in 1853; and it must be said that the years which have since elapsed have been marked by a degree of activity in every description of public improvement, not only greater than that exhibited previously, but unsurpassed, it is believed, in any country and in any

age. An interval, however, of only four years is evidently too short to afford an intelligible view of a course of progressive improvement. The foundation of all the great measures which were in active progress during that interval, was laid at an earlier period ; and the new measures which have been initiated during that brief term have not yet had time to exhibit tangible results. It is therefore necessary to trace the stream of Indian improvement from a point much higher up in its course ; beginning at the origin of the measures which have contributed most, in each department, to give to the administration of India its present enlightened character.

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## REVENUE ADMINISTRATION, & RIGHTS OF THE RURAL POPULATION.

Connection  
of the  
Revenue  
System with  
the Rights  
and Condi-  
tion of  
the People.

In a country like India, the departments of public business on which the good government of the country, and the security and contentment of the people, principally depend, are the revenue administration and the judicial administration. The importance of a good and easily accessible administration of justice is the same in India as elsewhere ; but the manner in which the entire economical condition of nearly the whole population is determined by the management of the revenue department, cannot, by persons unacquainted with India, be understood without special explanations.

Everywhere, indeed, it is of first-rate importance to a people that the taxes should be of moderate amount ; that they should be certain, not arbitrary ;

and that they should be so assessed and levied as neither to favour one person or class at the expense of another, nor to interfere injuriously with industry. These requisites, too, are obviously of more than their ordinary importance, where the bulk of the tax-paying population consists of persons depending for subsistence on their own exertions in tilling the soil. But these general considerations afford only an imperfect conception of the relation of the tax-paying cultivator in India to the revenue system. Throughout the greater part of India, there is no intermediate landlord between the immediate cultivator and the State. The cultivator does not pay rent to one person and taxes to another: his taxes *are* his rent (or a part of his rent); and his condition is affected by the good or bad quality of the fiscal administration, in every way in which the condition of a European tenantry can be affected by a good or a bad landlord. And there is an additional fact, of greater importance than all the rest. The titles to land, and to all rights issuing out of land, (that is, to all the property of the country, except a small percentage), are in India a branch of the revenue administration. The revenue records, which show who were the persons held responsible for the revenue by the officers of former governments, are the general register of title. They always constitute the principal, and in many cases the sole, reliable evidence of right to the land. While the British Government confined itself, as it necessarily did on the first acquisition of any district, to annual or short settlements, it had no need to look beyond the fact of actual possession; but when it began to grant leases or settlements for long terms of years, it was bound to ascertain that the persons whom it admitted to these engagements were those really entitled to the land.

This could only be done by minute local inquiries; and justice required that these should be judicially made, and a full hearing given to all parties on the spot. The revenue officers of Government being thus under the necessity, for revenue purposes, of investigating and ascertaining all titles to land, it has been deemed proper that the adjudication so performed should have the force of a judicial decision; though, if any of the persons interested considers himself aggrieved by the decision, he can seek redress by a suit in the regular courts. It is hence apparent, that in India every revenue officer is also, in the most important sense of the word, a judicial officer. The security of the most important and extensive class of proprietary rights throughout the country, depends upon the manner in which the revenue branch of the Government performs its judicial functions; and the history of the revenue administration of India is the history of its landed property, and of the economical condition of the whole agricultural population.

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Revenyf the Lower  
system v Provinces  
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An important mistake, committed with the most generous intentions by the administration of Lord Cornwallis towards the end of the last century, has divested the Government, in the oldest and most fertile of its Indian possessions, of this great power of influencing beneficially the condition of the cultivators of the soil. In the provinces of Bengal and Behar, to which were subsequently added Benares, and some districts of the Madras Presidency, the Government gave away its rights over the soil to private landlords, reserving only from each estate an annual payment, which it solemnly bound itself never to increase. It is not necessary here to enter into the disputed questions respecting the original character and rights of these landlords or zemindars.

There is no doubt that many of them were persons of hereditary influence and station in the country, and that their connection with the lands, of which they were now recognized as the proprietors, had in general been of a permanent character. But their position was nevertheless essentially that of middlemen; collecting the revenue, not for themselves, but for the Mogul Government; accounting to that Government for their receipts, and remunerated by a percentage (generally ten per cent) of the collections. It is now universally admitted that they never had the power of disposing arbitrarily of the land. There were, everywhere, at least large classes of tenants, whom they could not lawfully eject, except for non-payment of revenue, and from whom they could not lawfully exact more than the customary payments.

These rights of the occupying tenants it was the full intention of Lord Cornwallis to preserve. But the Government demand being now fixed in perpetuity, and claimable from the landlord only, the revenue officers had no longer any power of interposing in favour of the tenantry; and their rights were henceforth left for protection solely to the courts of justice. But the courts of justice could proceed only by regular suit, on the complaint of the injured party. The poverty of the people, their passive character, and the extreme difficulty of proving by legal evidence, before a distant tribunal, what were the customary rates, have rendered this protection illusory; the rights of the Bengal ryots have (as has been said) passed away *sub silentio*, and they have become, to all intents and purposes, tenants at will. These facts are not adverted to for the purpose of casting blame on a generation long gone by, whose mistakes are sufficiently explained and

excused by the short experience they had then had of India, and the extreme difficulty which persons nurtured only in English ideas and institutions, have in correctly apprehending a state of facts so entirely unlike anything which ever existed in England, as the whole framework of Indian society presents. But justice to the subsequent Governments of India requires it to be understood, that in the most fertile and valuable portion of the Indian territory, they inherited from their predecessors an agrarian system, consisting of great landlords and cottier tenants, forming as close a parallel as the difference between Europe and Asia will admit, to the condition of Munster and Connaught; and that the Government has had, during the last sixty years, no more power of correcting the evils of this system, than the Government of the mother country had, during the same period, of remedying the evils of a similar system in Ireland. The tenacity, however, of old impressions, which characterizes the Hindoos, has kept alive the idea of a right still existing in the actual cultivator to hold his land at a rent fixed by custom, not by arbitrary will; and this traditionary feeling, from which the landlords themselves are not exempt, must form the basis of anything that can be hereafter done to improve the tenure of the Bengal ryot.

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What the Government had it in its power to do, for alleviating the operation of the existing system, it has done. It takes systematic measures for the education of zemindars who are wards of Government. It has made imperative on the landlords to give to every tenant a written engagement, specifying the amount of rent and the conditions of tenure; and it has made these engagements legally binding. It has done more. Owing to the hasty and careless mode

in which the permanent settlement was in the first instance conducted, the boundaries both of estates and of villages or townships were undefined, and not only the litigation but the affrays, occasioned by boundary disputes, had grown into a public evil. The revenue officers were so ill informed on the subject, that in some cases estates advertised for sale on account of arrears of revenue, were purchased, and possession was demanded, when it was found that the estate existed only in the collector's books, having been swept away by the changes in the bed of the river, or absorbed by the encroachments of the neighbouring landholders. To remedy these evils, a survey was determined on, and has been for several years in progress, for the purpose of ascertaining what estates are in existence, and determining their boundaries. This survey has already produced very appreciable benefit, and holds out the promise of much more.\*

The Governments which have administered Indian affairs in the present generation, have abstained from imitating elsewhere the errors which were committed in the permanent settlement of Bengal. Their object has been, as new provinces were successively brought under British rule, to ascertain accurately the persons, and classes of persons, who by law or usage had a beneficial interest in the land, and the nature and extent of the beneficial interest of each ; and having thus determined who were the persons with whom the settlement of the revenue should be concluded, to define the demand of Government on each, and limit it to the smallest amount consistent with the public necessities.

The subsequent revenue administration of India

\* See Appendix (A).

is a succession of conscientious endeavours to fulfil these duties; endeavours which, in a large portion of India, have been rewarded by signal success, and in the remainder are in rapid progress towards it.

Ryotwar  
System in  
Madras.

Nearly the whole territory of the Madras Presidency became part of the British possessions at a period subsequent to Lord Cornwallis's permanent settlement; and its revenue system was principally founded by two of the ablest men who have ever taken part in the government of India—Colonel Reade and Sir Thomas Munro. Under this system, the land is not made over to great landlords, but the actual cultivator, the peasant himself, is regarded as the proprietor of the soil, subject to the payment of the Government demand. He has the option annually of increasing or diminishing his holding; and, in the words of the Madras Government in their last general report, "has all the benefits of a perpetual lease, "without its responsibilities, inasmuch as he can, at any "time, throw up his lands, but cannot be ejected as long "as he pays his dues." He also receives assistance, by remission of assessment in unfavourable seasons. The practical operation of this, which is known as the ryotwar system, evidently depends on the certainty and moderation of the Government demand. For many years these two conditions were very insufficiently realized. The extreme difficulty, to a European revenue officer, of ascertaining the real capabilities of each petty holding, and his unavoidable dependence, for much of his information, upon native subordinates, made it inevitable that great errors should be committed in the first assessments. Some were unnecessarily low, but a much greater number were too high; and if not so at first, many afterwards became so, when the security which our rule had

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given from the ravages of war and internal depredation, had produced its natural effect in the extension of cultivation, and consequent lowering of the price of agricultural produce; whereby, notwithstanding the increased well-being of the ryots, the same money rent became a burthensome exaction, which was comparatively little felt when the produce bore a higher price. These circumstances were, as justice required, allowed for, and reductions made, but not always sufficiently early, nor to a sufficient amount. And so long as the Government demand was too heavy, it was also uncertain, owing to the necessity of an annual inquiry to test the justice of claims to remission.

Up to this time, it could not be said that the British Government in India had anywhere succeeded in establishing the revenue administration on a sound basis. But inquiries and discussions of the utmost importance were going on, and knowledge was being acquired, the want of which at former periods had led to all the mistakes. It was in the settlement of the North-western Provinces that the fruits of this increased knowledge were first gathered in.

The greater part of what are called the North-western Provinces became part of the British dominions through the consequences of Lord Wellesley's Mahratta wars, in the first years of the present century. For a considerable number of years after the conquest, the revenue arrangements were of necessity provisional. Such serious consequences having been experienced in Bengal from hastening to establish a permanent system, when the knowledge acquired was not sufficient for framing it rightly, there need be no wonder if, in a new field, considerable time was in the first instance devoted to becoming

Settlement of  
the North-  
western  
Provinces.

acquainted with the capabilities of the country, and the prescriptive rights of the different classes of its inhabitants. The delay was amply justified by its results. The settlement of the North-western Provinces, commenced and completed between 1834 and 1844, by some of the most distinguished of the Company's servants, among whom the most conspicuous in merit was Mr. Robert Mertens Bird, is the first great monument which the British rule in India has exhibited, of wise, deliberate, but thorough reform, grounded on complete knowledge of the subject, and equally efficacious in removing present evils and in providing for future improvement.

It is now known that in the greater part of India, and without doubt originally throughout the whole, the property in the land (so far as that term is applicable at all in India) resides neither in the individual ryot, nor in the great officers who collected revenue for the former native governments, but in the village communities. The village community is not co-extensive with the cultivating inhabitants of the village : it consists of the descendants or representatives of those by whom the village was, at some remote period, conquered, or reclaimed from waste. In most cases these proprietors are a part, and in some the whole, of the agricultural population of the village. When they are only a part, the remainder consists of persons, or the descendants of persons, who have taken up their residence in the village at later periods, and had no other original right than the permission of the proprietors ; but some of whom have by grant or prescription, acquired a fixity of tenure, while others have remained tenants at will. The village proprietors formed prescriptively the municipal government of the village ; a fact of great importance,

village government being the only institution, properly so called, which the Hindoos possessed.

It was with the village communities, as thus defined, that the settlement of the North-western Provinces was made; with a reservation and definition of all rights which had been acquired by any of the ryots under them. The time occupied in the operation was about ten years, and the expense incurred in it was upwards of £500,000. It comprehended a detailed survey of a country about 72,000 square miles in extent, containing a population of more than twenty-three millions. The difficulty and complication of the process will appear from the appended note.\*

The proprietary rights, as ascertained and recorded at the survey, were confirmed in perpetuity; but the Government assessment was fixed, in some cases for twenty, generally for thirty, years. In a few of the districts, the term of settlement has expired, or is on the point of expiring. On resettlement, the assessment is liable to revision, and may be increased if the net produce of the land has augmented, but not proportionally to the increase of the net produce; and a pledge has besides been given, that a liberal consideration will be allowed for "improvements attributable only to the efforts of the tenant himself, and especially with regard to such as are of a comparatively recent date."

The effect of the settlement upon the general pressure of the Government demand was to remove irregularities, and in general to lighten the aggregate burthen; the only exceptions being Goruckpore and Azimgurh, in which districts, though they are known to be still lightly taxed, a considerable increase was effected. The beneficial results may be traced in the

\* See Appendix (B).

improved condition of the population, and the ease and punctuality with which a revenue of more than £4,000,000 is collected, as evidenced by the small amount of outstanding balances, and the great diminution in the number of coercive processes for the enforcement of payment.

After this great economical and social reform had been for some years in operation, the important territory of the Punjab became, by the event of the Sikh war, a part of British India. This took place in 1849. And now was seen the full value of the superior knowledge of native rights and institutions, which had been acquired since the period of Lord Cornwallis's settlement. The task of bringing the Punjab under British rule was confided to men wisely selected from the body of public servants who had effected and administered the settlement of the North-western Provinces. The principles of the settlement, being grounded on a correct knowledge of the prescriptive rights of all classes, were found equally applicable to the adjacent territory of the Punjab. In India, as in other countries, great reforms have usually been of slow introduction. Our revenue improvements, so long as they were merely tentative, were necessarily slow. But their authors were now able to proceed with the ease and decision of men who thoroughly understood their work. There is something striking in the rapidity with which the latest and best principles of Indian policy, both in revenue and judicial administration, were at once applied to the Punjab by the consummate administrators to whom the discernment of the Marquis of Dalhousie had committed the government of the province. Before a year had elapsed from the first acquisition of the country, great progress had already been made in the

introduction of the system of the North-western Provinces, with its most recent improvements. The greater part of the Punjab in extent, and by far the greatest in point of importance, has since been settled for terms of years. The leases were usually shorter than in the North-western Provinces; but the assessment was lowered, as compared with that of the native Government, by Rs. 72,37,244, or £723,724; being not less than twenty-five per cent. It has been ascertained that the Government demand does not exceed one-fifth of the gross value of the produce in rich tracts, and one-sixth, or one-eighth, or even less, in poor tracts. The result has been a peace and security never before known in the province; a rapid increase of cultivation and production; and a contentment with our rule, which has enabled this newly-conquered territory, inhabited by the most warlike population of India, to become the base of our operations for the recovery of our older territories, and has made the Sikhs, so lately in arms against us, an important part of our strength for subduing the general revolt of the Bengal army.

While these great improvements were taking place in the north of India, a reform of equal magnitude was being inaugurated in the west and south. The reformed revenue administration of those territories is not grounded on the village, but on the ryotwar principle. The ryotwar system, or that which recognizes the actual cultivator of the soil as its proprietor, and collects the Government revenue directly from him, is the general system of the South of India. Circumstances already mentioned had, during many years, prevented this system, even under the able management of Sir Thomas Munro, from operating beneficially on the prosperity of the people. As, in Northern

Bombay  
Ryotwar  
Reform.

India, the territories latest acquired were those which first had the benefit of our improved knowledge and experience; so, the earliest example of a successful ryotwar system was in the districts (forming the greater part of the Bombay territories) which came under British government at the close of Lord Hastings's Mahratta war, in 1818.

The village communities still existed in those territories; and if the village system had been as well understood in 1818 as it was in 1838, the settlement of the Deccan would probably have been made on the same principles as that of the North-western Provinces. Such, however, was not the case: Sir Thomas Munro's principles were then in the ascendant; the settlement was, for the most part, ryotwar; and until about twenty years ago, little had been done to improve the fiscal administration of these territories, beyond the removal occasionally, as they were brought to notice, of vexatious and oppressive taxes, which had been added to, or incorporated with, the land revenue, during the declining period of the Mahratta power. The assessments which we found in force were generally, even after these reductions, excessive; and large remissions were annually required, which necessitated every year an inquisitorial investigation into the affairs of each ryot who claimed a share in the remissions. The agricultural population, being always liable to be called on for an amount of rent which could only be paid in the most prosperous seasons, were constantly in arrear, and were therefore without any incentive to improve their condition.

To remedy these evils, a survey of the country and general revision of the assessment, were undertaken. The operation commenced in the Deccan and Southern Mahratta country, where it is now nearly, if

not quite, completed; and it is gradually being extended to the northern districts of the Presidency, as the experienced officers, European and native, who have been trained to this difficult duty, can be spared for the purpose. In the northern districts, however, the progress of the survey has been retarded by the greater complication of the landed tenures there prevalent, and by the existence of various classes of middlemen, who, like the talookdars of Oude, are hostile to our improvements, because, though preserving to them their pecuniary rights, they interfere with their power.

Where any ancient proprietors, either middlemen or village communities, were found in existence, and in possession of their proprietary rights, at the time of the survey, those rights have been respected; but in general, the principle of the reformed Bombay system is ryotwar. The land, cultivated and waste together, is divided into portions called fields, the extent of a field being for the most part fixed at the quantity of land which can be cultivated with one yoke of bullocks. On each field the Government demand is fixed, for a period of thirty years, at a very moderate rate. While the contract is binding on the Government, the ryot, on his side, can throw up the land at pleasure; and he is not required to pay the assessment for any year, on any field which he has not cultivated, or undertaken to cultivate, in that year. The appended note\* explains the details of the process.

The fixation of the Government demand for thirty years would have been of little service to the ryot, if the demand had remained so high as to require, almost every year, remissions of uncertain amount.

\* See Appendix (C).

But it has been fixed on a very low scale, the reduction of the assessment generally exceeding considerably the average amount of remissions and balances under the former system. The effect of this reform is visible in the large increase of cultivation which has always taken place after the completion of the survey of a district; in the realization of the revenue, with scarcely any balance remaining in arrear (in some years with absolutely none); and in the fact, that in all the surveyed districts lands are frequently underlet. These important results have been purchased by an immediate sacrifice of revenue; but the encouragement which a fixed and moderate assessment gives to the occupation of waste land, is gradually making up to Government for the loss; and in some of the surveyed districts, the revenue under the new settlement already exceeds that under the old.

The eminent success of the reformed ryotwar system of Bombay has established the fact, which many Indian authorities trained in a different system had doubted, that the ryotwar, or peasant-proprietary system, may be so organized, and so worked, as to be neither oppressive nor arbitrary; and that, when so organized and worked, it brings the motives to exertion, and to the exercise of intelligence, which property gives, to bear upon those on whom the prosperity of agriculture most depends—the actual cultivators of the soil. In all those parts of India, therefore, in which the village communities have been broken up by the distracted state of the country for generations, or in which the exclusive title of the representatives of the old proprietors has been superseded by the prescriptive rights acquired by the actual cultivators, ryotwar is now the recognized system of revenue management.



In the Madras Presidency, considerable improvements in the detail of the revenue system preceded the steps recently taken for a general revision. The most important of these are the two following. In 1837, it was adopted as an universal rule, that no land should be more heavily taxed, in consequence of its being applied to the cultivation of a more valuable description of produce. The demand was thenceforth fixed on a general estimate of the productive power of the land, with reference to the staple productions of the country; and the ryot was left perfectly free to cultivate whatever he pleased, without being in any case liable, on that account, to an increased demand. From this time, therefore, there has not been even the semblance of foundation for the statement often made, that the land assessment is a discouragement to the growth of the more valuable products, and, in particular, of cotton. To go any further would be to demand a lower rent from lands on which cotton is grown, than from land devoted to other cultivation; which would be to give a bounty on the production of cotton.

Madras Improvements.

The other great improvement was the establishment of the rule, that no ryot should be required to pay an additional tax (or rent) for his land, in consideration of increased value derived from improvements made by himself. If, therefore, a proprietor, by labour or outlay of his own, sinks wells, constructs tanks, or plants valuable trees, he enjoys, not for the duration of any settlement, but in perpetuity, the full benefit of the increased value which he has given to the land; an assurance which no private tenant in any country, even of Europe, has obtained.\*

Large reductions of the assessment have also

\* See Appendix (D).

been made in the most heavily-taxed districts, which have in general produced so great an extension of cultivation, that the revenue has scarcely suffered.

Ryotwar  
Reform in  
progress  
at Madras.

In 1855, the present enlightened Governor of Madras submitted a plan for a survey and revised assessment of the whole of the Madras territory, on the Bombay principle, to the consideration of the Governor-General in Council. Having obtained the approval of that authority, it was laid before the Court of Directors, and received their formal sanction in a despatch dated the 17th of December, 1856; in which also several improvements were indicated, of which the scheme appeared to be susceptible. A commencement has thus been made in removing the last remaining blot in the administration of the land revenue of British India; for the social and economical condition of the Lower Provinces of Bengal is, for reasons already explained, no longer dependent upon the revenue system.

Under both the reformed modes of revenue administration, the village system of the North-west Provinces and the Punjab (the introduction of which into the more recent acquisitions of Nagpore and Oude has been sanctioned) and the ryotwar system of the Bombay and Madras presidencies, the agricultural population either have, or will shortly have, the benefits of tenures and rights perfectly defined and secured, and moderate rents fixed for a sufficient term to afford, in full strength, the natural incentives to improvement. It should be remembered also, that on the expiration of the thirty years settlements, the holders will not be liable to be ejected. They will only be liable to a revision of the amount of the rent paid to Government; and it is the declared intention of the authorities, that not merely the same, but a

tions, proprietary rights, and economical condition of the mass of the people, it remains to speak of it as a merely fiscal system.

Land  
Revenue.

Nearly two-thirds of the revenue of India consist of the rent of land. So far as this resource extends in any country, the public necessities of the country may be said to be provided for, at no expense to the people at large. Where the original right of the State to the land of the country has been reserved, and its natural, but no more than its natural, rents made available to meet the public expenditure, the people may be said to be so far untaxed; because the Government only takes from them as a tax, what they would otherwise have paid as rent to a private landlord. This proposition undoubtedly requires modification in the case of a ryot or peasant cultivating his own land; but even in his case, if the Government demand does not exceed the amount which the land could pay as rent if let to a solvent tenant (that is, the price of its peculiar advantages of fertility or situation), the Government only reserves to itself, instead of conceding to the cultivator, the profit of a kind of natural monopoly, leaving to him the same reward of his labour and capital which is obtained by the remainder of the industrious population.

Any amount whatever of revenue, therefore, derived from the rent of land, cannot be regarded, generally speaking, as a burthen on the tax-paying community. But to this it is of course essential that the demand of revenue should be kept within the limits of a fair rent. Under the native Governments, and in the earlier periods of our own, this limit was often exceeded. But under the British rule, in every instance in which the fact of excessive assessment was proved by large outstanding balances and increased

difficulty of realization, the Government has, when the fact was ascertained, taken measures for reducing the assessment. The history of our government in India has been a continued series of reductions of taxation; and in all the improved systems of revenue administration, of which an account has been given in the preceding part of this paper, the object has been not merely to keep the Government demand within the limits of a fair rent, but to leave a large portion of the rent to the proprietors. In the settlement of the North-west Provinces, the demand was limited to two-thirds of the amount which it appeared, from the best attainable information, that the land could afford to pay as rent. The principle which has been laid down for the next settlement, and acted on wherever resettlement has commenced, is still more liberal: the Government demand is fixed at one-half, instead of two-thirds, of the average net produce; that is, of a fair rent. The same general standard has been adopted for guidance in the new assessment of the Madras territory. In Bombay no fixed proportion has been kept in view; but the object has been, that land should possess a saleable value. That this object has been attained throughout the surveyed districts of Bombay, there is full evidence: and as the ryots have been secured from increase of revenue for the space of thirty years, the value of land may be expected, from the progress of improvement, to be constantly on the increase.

It has been shown above, that by far the largest item in the public revenue of India is obtained virtually without taxation, because obtained by the mere interception of a payment, which, if not made to the State for public uses, would generally be made to, individuals for their private use. A similar remark

Opium.

though for a different reason, is applicable to the second in amount of the sources of Indian revenue,—that of opium. The opium revenue is not derived from the taxation of any class of her Majesty's subjects, but is (as far as this can be truly said of any impost) paid wholly by foreigners. It cannot reasonably be contended that this is an improper source of revenue, or that the burthening of an article considered to be noxious, with an amount of taxation which has sometimes caused it to be sold for its weight in silver, can be liable to objection as encouraging the consumption of the article. Whether this revenue, of between four and five millions sterling, should be levied as it is at present in Bengal (though not in Bombay) by a Government monopoly, or in the more usual form of an excise duty, is a question of detail on which opinions differ, and which is open to consideration. The former mode has hitherto been retained, under the belief that the unrestricted production and sale of the article would give such facilities to smuggling, as would render the realization of anything like the present amount of revenue impossible. It might, however, be practicable—though this is doubtful—to maintain the price in the foreign market by restrictions on exportation; but it is matter for serious consideration whether any system involving the free cultivation of the poppy, would not expose India itself, which has hitherto been comparatively free from this kind of hurtful indulgence, to be flooded with the article at a low price.

Salt.

The third item, in point of amount, of the revenue of India, is that from salt. This is the only considerable tax existing in India which can be regarded as objectionable in principle, and the entire abandonment of which, if financially practicable, would be a benefit to the people at large. It is impossible,

however, to look upon this impost in the same light in which it would deserve to be considered if it were levied in addition to other heavy burthens. We must bear in mind, in extenuation of the objections to a tax on salt, that it is, speaking generally, the only tax which the labouring ryot of India pays.

The revenue from salt is commonly said to be obtained by means of a monopoly. This, however (as will be seen by the appended note\*), is strictly true only of the Madras Presidency; and even there the monopoly is of a very qualified description, since the importation of the commodity is free, subject to a duty considered equivalent to the profit charged by Government on the salt produced by it. In the Bombay territory there never has been a monopoly, or even a Government manufacture. There is an excise duty, imposed to compensate for other more objectionable taxes, yielding a far greater amount of revenue, which have been abolished. The Government of India, in 1844, fixed this excise duty at one rupee per maund of 82½ lbs.; but before this rate had come into operation, it was reduced by the Court of Directors to twelve annas (three-fourths of a rupee). In the same year, and for a similar reason—namely, to compensate for other taxes then abolished—the Government of India fixed the selling price of the monopoly salt in the Madras Presidency, at one and a half rupees per maund; but the Court of Directors immediately reduced it to one rupee.

In Bengal, up to 1836, there was a real monopoly. In that year, in anticipation of the subsequent recommendation of a Committee of the House of Commons, the Bengal system was fundamentally modified. The present system is, to ascertain the actual cost to Government of all descriptions of salt

\* See Appendix (E).

manufactured at the Government works, and to issue it to dealers in any quantity applied for, at a price equal to the cost with the addition of a fixed duty. Importation is free, subject to the payment of the same duty. The duty has been gradually lowered from three sicca rupees per maund (equivalent to  $3\frac{1}{4}$  Company's rupees) to  $2\frac{1}{2}$  Company's rupees (about three farthings per pound); while the Madras duty is only  $\frac{7}{8}$  of a rupee, and the Bombay only  $\frac{3}{4}$  (less than a farthing per pound). The reduction in Bengal, not having been attended with the hoped-for increase of consumption, has not been carried further. Even if the revenue derived from salt were not required for the necessary purposes of government, it is still conceived that more good would be done to the people by retaining the tax, and expending its proceeds in roads and works of irrigation, than could possibly be done by its remission.

Within the last three years, the manufacture of salt in the districts round Calcutta has been laid open to all who are willing to engage in it, subject to excise regulations. Very little use, however, has been made of this liberty, the quantity of salt manufactured under license having only amounted to from 20,000 to 25,000 maunds. It is hoped that the quantity will increase, and that private enterprise may in time supersede Government agency. But the small amount of response made to the encouragement held out, is a presumption that the Government arrangements for the manufacture and sale afford as marketable an article, at as low a cost, as could be produced by private manufacturers.

Tobacco  
Monopoly  
abolished.

The tobacco monopoly which formerly existed in the Malabar provinces of the Madras Presidency, and which yielded an annual revenue of about six lacs

of rupees (£60,000), was abolished in 1852, without equivalent: and this article is now wholly untaxed.

The customs, in India, are not a very productive source of revenue, the classes who consume any considerable amount of foreign productions being comparatively limited. There is no branch of taxation in which the burthens of the people have been more conspicuously lightened by the British Government. The most important taxes levied on commodities by the native Governments of India, were the inland customs, or transit duties. Every petty chief whose territory was situated on any of the great lines of commerce, made use of his position to extort from traders the largest sums which they could be induced to pay. In the British territories, these duties have been entirely abolished: in the Lower Bengal Provinces as early as the administration of Lord Cornwallis (reimposed in a modified form in 1801, and finally abolished in 1836); in the North-western Provinces from 1834 to 1836; in the Bombay Presidency in 1837; in Madras in 1844; and in our other possessions immediately after their acquisition. This was not a small sacrifice of revenue. The transit duties in Madras alone yielded a net revenue of about thirty-one lacs of rupees, or £310,000 sterling. Several of the native princes have, with praiseworthy liberality, followed the example of the British Government, by abolishing, or greatly lowering, their transit duties; and the diplomatic influence of our Government is freely used to encourage this policy. In cases in which the duties levied by some particular chief have been an obstruction to important lines of mercantile communication, and in which it was not probable that the chief would be indemnified for their loss by the increase of his other sources of revenue, our Government has even purchased his assent by pecuniary compensation.

Customs.



Besides these duties, the sale of goods was, under the native Governments, hampered by innumerable exactions, laid on under various pretences, most of which we have, on every occasion of coming into possession of a new territory, abolished or commuted. But some taxes on internal trade still remained even in the British territories. The last of these has been swept away less than two years ago, by an order from the home authorities, bearing date the 5th November 1856, for the abolition of the Mohturfa, or tax on houses, trades, and professions, in the Madras Presidency. There are now no internal customs in British India, except, in some cases, town duties; and these, not for general, but for local purposes, and as far as possible under local management; though the exertions of the Indian Governments to foster a municipal spirit, and induce the inhabitants of towns to take an active part in the management of town affairs, are only beginning, and very slowly, to be successful.

There has been similar activity in reducing the duties on the external commerce of India, and extending the principles of free trade. In the recent acquisitions of Sind and the Punjab, the frontier duties have been entirely abolished, and those territories are outside our customs line. On the frontier line between the Punjab and the North-western Provinces, customs are paid on salt and sugar only. In Southern India the land tariff is the same as that on imports by sea. The discriminating duties on goods carried in foreign vessels were abolished in 1848; and in 1850 the coasting trade was thrown open to the ships of all nations. In thus abolishing the navigation laws, the Government of India preceded the Imperial Government. The three presidencies

were formerly, in regard to commerce, treated as distinct settlements, and the trade between them subjected to the same duties as that between India and Great Britain. In 1848 this trade was completely thrown open, and the whole of British India treated, for customs purposes, as one empire; and great success has attended the efforts of the Company to obtain for the produce of native states in dependent alliance with us, the privilege of admission into the ports of the United Kingdom at the rates of duty chargeable on goods of British origin. The duty levied on British goods imported into India is five per cent *ad valorem*. There is still a distinctive double duty on many articles imported from foreign countries; and a general export duty of three per cent (from which however cotton is exempt) on the produce and manufactures of India. These are admitted defects; and the export duties were marked out by the home authorities, in a despatch of 1846, to be dispensed with at the earliest period which financial considerations may permit.

The post-office in India, as in England, is maintained more for public convenience than as a source of revenue. Its improvement in India has fully kept pace with that in England. Reductions of postage, and the removal of practical impediments and imperfections, may be said to have been constantly in progress; and the great change recently made in the post-office system of this country has been imitated, with equal success, in India. The principle of uniform postage, without reference to distance, has been adopted, and letters and newspapers are conveyed from Cape Comorin to Peshawur at the same charge as for the shortest distance. The lowest rate is half an anna, or three farthings, for a letter a quarter of a

Post-office.

tola in weight (equivalent to about one-tenth of an ounce); it having been found by experiment that the average weight of native letters is considerably below this limit. There is an ascending scale of charges up to twelve tolas, above which weight letters are not conveyed by the ordinary post; but a parcel post is also maintained by Government, which they are prepared to abandon whenever the duty shall be undertaken by private enterprise. Newspapers are conveyed at a charge of one anna, or three halfpence each. The postage on letters and newspapers must be prepaid by stamps, under penalty of double postage on delivery. There is also a book post, at a minimum rate of one anna per twenty tolas (about half a pound), and an ascending scale up to 120 tolas, or three pounds. Arrangements have been made with her Majesty's Government for the conveyance of letters, newspapers, and books, from any part of England to any part of India, at low rates of postage, payable in one sum, either on despatch or receipt. The Post-office department for all India is under the control of a Director-General at Calcutta, immediately under the Government of India. The progress of improvements in every branch of the details has been very striking, and it is believed that the department will not suffer by a comparison with that of any other country.

The pecuniary results of the change to a low uniform postage have been as satisfactory as in England. It had been doubted whether such a population as that of India would take advantage of the facilities afforded for correspondence, to the extent necessary to make up, in any considerable degree, to the revenue, for the diminution of the rate. At the close, however, of 1855-56 (the first complete year of the new system), the number of chargeable

letters had increased 101 per cent as compared with the preceding year, and 142 per cent as compared with 1849-50. The loss of revenue, which, if there had been no increase of correspondence, would have been Rs. 9,12,000, is only Rs. 3,01,869, and may be expected yearly to diminish.

The general result of all these improvements in administration, combined with the security which our rule has for the first time given to property against the ravages of war and fiscal rapacity, has been a great and rapid growth of general prosperity. Besides the remarkable increase of cultivation and population, the cheapening of agricultural produce, and the recovery of the revenue after great reductions, which have been already commemorated, there has been an enormous increase in the external commerce of India. The exports have risen from £7,993,420 in 1834-5, to £23,039,268 in 1855-6, being 188 per cent. The export of cotton amounted in the former year to 98,320,050 lbs., and in the latter to 237,179,949 lbs., being an increase of 141 per cent; but the quantity exported to England has increased in a much greater ratio, namely from 38,268,402 lbs. to 170,771,510 lbs., or 346 per cent. The export of rice, chiefly from the east coast of the Bay of Bengal, has so vastly increased that labour can scarcely be found to transport it to the coast; the wages of labourers have risen to an unexampled height, and the agricultural population of large districts are, for the first time in memory, out of debt to money-lenders and to their landlords. During the same period of twenty-one years, the imports into India have risen from £4,261,106 to £13,447,027, or upwards of 227 per cent; the great excess of exports above imports being regularly liquidated in silver.

General  
Prosperity.

## JUDICATURE AND LEGISLATION.

Judicial ar-  
rangements  
of Lord  
Cornwallis.

The history of the judicial administration of British India bears a striking analogy to that of the revenue administration. It began with well-intended, but premature and ill-considered measures, which produced many evils, and but a small part of the good which their authors expected from them. When experience had disclosed the faults of the system at first adopted, similar errors were avoided, and a better system introduced into our later acquisitions; while palliatives of great value, though falling short of the full exigencies of the case, were adopted in the older provinces. Last came the plans, now in an advanced stage of their progress, for effecting a complete reform.

At the period at which the judicial arrangements of Lord Cornwallis were made, the ideas of civil judicature entertained in England still partook of an almost barbarous character. The English courts of law were still encumbered with all the technicalities, and disgraced by all the delay and expense, which had descended from the middle ages, or grown up in the attempt to make the institutions of the middle ages suffice for the wants of modern society; and unfortunately these courts, far from being considered defective, were looked upon as the models to be imitated in every other place, departure from which was regarded as an imperfection, in all cases to be regretted, though not always to be avoided. The Legislature, however, had recognized that forms of procedure more simple and expeditious might possibly be necessary in India; and power had been given to

the judges of Her Majesty's Supreme Court to modify the procedure of that court, so as to meet the exigency: but the power was never acted on. It is, therefore, not surprising that Lord Cornwallis's courts were greatly infected (though in a far less degree than the courts in England then were) with technicalities of procedure, calculated both to defeat justice, and to obstruct the access to it by needless delay and expense. But the arrangements had a still more fatal defect: the judicial establishment was totally inadequate to the wants of the country. The attempt to administer justice (except in the most trifling cases) wholly by European agency, made it impossible to defray the expense of the number of courts necessary to render justice accessible: and if the benefits of judicature were to be afforded at all to the mass of the people, the intrusting, under proper securities, of the greatest portion of it to native functionaries, was not a question of expediency, but of necessity.

The creation of native courts of justice, and (as the experiment succeeded) the progressive extension of their powers, has been the greatest practical improvement made in the administration of justice in our older provinces during the last and present generation. The foundation for the present extensive employment of uncovenanted and native agency in the judicial department, was laid by the administration of Lord William Bentinck in 1831. At present, in the Bengal and Bombay presidencies, the entire original jurisdiction in civil suits is in the hands of the native judges, the covenanted Europeans being only judges of appeal; and the same thing is true of the Madras Presidency, in regard to all suits below the value of 10,000 rupees. The employment of uncovenanted agency has also been greatly extended in the adminis-

Subsequent  
Improvements.

tration of criminal justice, and in the revenue department. Deputy magistrates (in some instances exercising judicial powers equal to those of the district magistrate) and deputy collectors, discharge important functions, and afford material assistance to the head authorities of the district. Most of these are natives, and some of them natives of high rank and influence.

The movement towards reform in legal affairs generally, also dates from the administration of Lord William Bentinck. At Bombay, indeed, the Regulations of Government, comprising the penal law and the law of procedure actually in force, and as much of the civil law as had been introduced by our own Government, had already, under Mr. Elphinstone's administration, been consolidated into what is called the Bombay Code. But it was on the recommendation of Lord William Bentinck's Government that, by the Act of 1833, the present ample legislative powers for all India were conferred on the Governor-General in Council; a barrister appointed from England being added to the Council, for the express purpose of aiding the Government in its legislative functions. By the Act of 1853, the Legislative Council was further enlarged by the addition of the Chief Justice and one puisne judge of her Majesty's Supreme Court, two members representing Madras and Bombay, and selected by those Governments, and two representing Bengal and the North-western Provinces, and appointed by the Lieutenant-Governors; to whom the Governor-General has the power of adding two other civil servants of Government, selected at his discretion. The Legislative Council now holds its sittings in public, and its debates are regularly reported and published.

Since the first institution of the Legislative Council, few years have passed in which there have not been one or two legislative measures for the improvement of the procedure of the civil courts. The object of some has been to facilitate the progress of suits through their various stages; of others, to secure the correct recording of the judgment, by prescribing that it shall be made by the judge himself; of others, to insure a more speedy and certain execution of judgments; of others, to render more efficient the systems of regular and special appeals. Legislative measures have also been taken for reforming the law of evidence; for the abolition of Persian as the language of record; and for putting the office of native pleader on a more efficient and respectable footing. The defects of the criminal courts have likewise largely engaged the attention of the Legislature, and much has been done for their improvement. But notwithstanding these partial amendments, it cannot be said that the courts, in what are called the Regulation Provinces, have yet been freed from their radical defects. The principal impediments to a good administration of justice, are the complicated and technical system of pleading in the civil courts, and in the criminal courts the character of the police.

By the Act of 1833, a Law Commission was appointed to sit in Calcutta, and inquire into the jurisdiction and procedure of the courts of justice and police establishments, and into the operation of the laws, civil and criminal. The declared purpose of Parliament in creating the Law Commission, as well as in the new constitution given at the same time to the Legislative Council, was to facilitate measures for bringing Europeans and natives under the same courts of justice, civil and criminal. The machinery constructed

The  
New Codes



for this purpose has been employed to lay the foundation for correcting all the principal defects of the laws and of the tribunals. The Commission prepared a penal code of great merit, and made many reports full of valuable suggestions on other branches of legal administration, some of which have been acted on. But it was important that any new system, before being brought into practical effect, should be well understood by those who would have to apply it, and should be approved by those whose authority would carry the greatest weight. Opinion could not be expected to ripen all at once on so great a subject as the reconstruction of the legal and judicial system of a vast country; and the suggestions of the Law Commissioners, being referred to various authorities, elicited great varieties of judgment. By the Act of 1853, a Commission was appointed to sit in London, for considering and reporting on the recommendations of the Indian Law Commissioners. The wants of India as to codes, both of substantive law and of procedure, civil and criminal, have been fully considered by the Commissioners so appointed. They have recorded a strong recommendation in favour of the preparation of a code of civil law for India; and they have prepared complete codes of civil and criminal procedure, grounded on a rare combination of appropriate local knowledge with the matured views of enlightened jurists. These codes, together with the penal code passed by the earlier commission, are in progress through the Legislative Council of India, and would probably by this time have been law, but for the calamitous events by which the attention of all Indian authorities has of late been engrossed.

These codes, when enacted, will constitute the

most thorough reform probably ever yet made in the judicial administration of a country. The code of civil procedure entirely sweeps away the present cumbersome and complicated system of pleading, and substitutes the *vivâ voce* examination of the parties; and in all other respects, as compared with the previous practice, it is of great simplicity, and eminently free from delay and expense. As Mr. Colvin, the Lieutenant-Governor of the North-western Provinces, observed in his last general report, "It is not alone, "as the Lieutenant-Governor apprehends, that by the "new code of procedure, the practice of the courts "will be made more simple and rapid, and the costs "of a suit be diminished; it is because, as he hopes, "the judges will be brought much more frequently "into direct communication with the parties in suits "and their witnesses, without any intervention of "agents or pleaders, that he looks to the public becoming satisfied that the courts are to be trusted as "a means for obtaining substantial justice, and not "dreaded as an engine capable of being readily perverted to the working of fraud and wrong under the "forms of law. It is not, he fears, to be denied that "low classes of practitioners and unscrupulous habits "of chicane have grown up about our courts, with "their old complex and artificial pleadings and rules: "and this being the case. it cannot be matter of surprise that among a population so generally ignorant "and helpless, discredit and dislike should have extensively attached to our judicial institutions." Under the new code, if not materially altered by the Legislative Council, India is likely to possess, so far as judicial institutions can secure that blessing, as good and as accessible an administration of civil justice, as the lights of the age are capable of conferring on it.

Judicial  
System of  
the Non-  
regulation  
Provinces.

It was only the Regulation Provinces which stood in need of such a reform ; for the Non-regulation Provinces have had (generally from their first acquisition) the benefit of a cheap, accessible, and expeditious administration of justice, free from all such formalities and technicalities as either defeat justice, or add needlessly to the difficulty and expense of obtaining it. The following are the terms in which the eminent Sir John Lawrence, in his last general report, describes the judicial system of the Punjab, which has been the model of those introduced into all the other recently-acquired territories, as well as into our older possessions of Saugor and Bundelcund :—

“ In former reports it has been shown how the  
“ system of civil judicature in the Punjab has been  
“ founded and erected ; how that no effort has been  
“ spared to render justice cheap, quick, sure, simple,  
“ and substantial ; how every other consideration has  
“ been rendered subordinate to these cardinal points.  
“ We are, indeed, without elaborate laws, but we have  
“ brief rules, explaining, in an accessible form, the  
“ main provisions of the several systems of native law  
“ on such matters as inheritance, marriage, adoption,  
“ testamentary or other disposition of property ; and  
“ setting forth the chief principles to be observed in  
“ other branches of law ; such as contracts, sale, mort-  
“ gage, debt, commercial usage. We have the most  
“ open and liberal provisions for the admission of  
“ evidence. We have complete arrangements for  
“ reference to arbitration, and for the ascertainment  
“ of local custom. We have a procedure, without any  
“ pretension to technical exactitude ; but a procedure  
“ which provides for the litigants and their respective  
“ witnesses being confronted in open court, for a  
“ decision being arrived at immediately after this brief

“ forensic controversy, and for judgment being deli-  
 “ vered to the parties then and there. We have a  
 “ method of executing decrees, which, while it allows  
 “ no door to be opened for evasion or delay on the  
 “ part of defendant, and thus renders a decree really  
 “ valuable to plaintiff, as being capable of ready  
 “ enforcement, and gives him his right free from lien,  
 “ encumbrance, or doubt; yet, on the other hand,  
 “ prevents the defendant from being hastily dealt with,  
 “ or from being placed at the mercy of his creditor.  
 “ We have Small-cause Courts scattered all over the  
 “ country, and several regular courts at every central  
 “ station; so that everywhere justice is near. Our  
 “ civil system may appear rough and ready; whether  
 “ it would be suited to other provinces, in a dif-  
 “ ferent stage of civilization and with a different  
 “ machinery at command, may be a question; but in  
 “ the Punjab it attains the broad and plain object  
 “ aimed at, and without doubt gives satisfaction to  
 “ the people.

“ But in order to regulate the administration of  
 “ justice, a complete system of reporting has been  
 “ established. Month by month, the reports of every  
 “ court are transmitted to the judicial department at  
 “ head-quarters, and are there criticised. At the close  
 “ of each year, these reports, and the figures embodied  
 “ in them, are collated, averages are struck, division is  
 “ compared with division, and district with district,  
 “ and the general result, with a brief critique by supe-  
 “ rior authority, indicating the defects to be avoided  
 “ and the reforms to be emulated, is published for the  
 “ information of all officers concerned. It is believed  
 “ that many improvements in the working of the  
 “ courts are traceable to this system. Every court  
 “ works under a constant sense of supervision, and

“ with the great objects to be aimed at perpetually in  
“ view, and standing out in strong relief.

“ In respect of speed, the average duration of a suit  
“ in 1854 was twenty-eight days, and in 1855 twenty-  
“ three days. This average has been becoming laud-  
“ ably lower year after year; it is now nearly as low  
“ as it can be, consistently with due inquiry and deli-  
“ beration; and as the above average includes all  
“ those cases which for any special cause may be pro-  
“ tracted, it is evident that the trial of most suits can  
“ only extend over a very few days. In respect to  
“ cheapness, the cost averages only 5r. 0a. 1p. per cent  
“ on value of suits during 1854, and 4r. 13a. 3p. per  
“ cent during 1855. As a proof of the entire  
“ absence of technicalities, it is to be observed that  
“ only 5·19 per cent of the suits were nonsuited  
“ during 1854, and 5·42 per cent during 1855. The  
“ small number of nonsuits which are ordered are  
“ probably real and honest ones.”

Prison  
Discipline.

In the course of the last few years the system of  
prison discipline in India has undergone a complete and  
most salutary revolution. The origin of this reform  
may be dated from the report of a committee ap-  
pointed in Calcutta in 1838, composed chiefly of the  
principal members and secretary of the Indian Law  
Commission.

Up to this time, those inmates of jails who  
were under sentence of labour, were employed almost  
exclusively (in fetters) on the roads: which rendered  
prison discipline almost impossible, as the prisoners  
could nearly always, by the connivance of their guards,  
command intercourse with friends and relations; and  
the engineer officers, in their anxiety to obtain efficient  
work, fed them highly, and treated them in other  
respects with an indulgence entirely inconsistent with

the purposes of punishment. At the same time, the mortality from exposure and unhealthy localities was great. The committee showed that the State were absolute losers by employing convict labour on the roads; that it would be a positive saving to keep them in idleness in the jails, as the cost of extra superintendence and guards considerably exceeded the expense at which the work they did could be executed by hired labour. Since this time out-door convict labour has been abandoned, and the prisoners are employed within the jails in various manufactures; and this employment, which commenced in 1843, has every year become more profitable, until, in 1855-56, the profit in the fifty-five jails of the Lower Provinces of Bengal reached the large sum of Rs. 1,11,582 (£11,000). This profit now forms a fund for the execution of the public works formerly performed by the convicts themselves. The jail manufactures, too, are of such improved quality, that some of them have acquired a high character in foreign markets; and public exhibitions of them are now held in the Town Hall of Calcutta.

Prisoners sentenced for long terms of years are now removed to large central jails; and the change has been attended with great improvement in general management and discipline. There is an inspector of jails for each presidency and sub-presidency. These officers are most active in discovering and correcting defects, and increasing the effectiveness of the jails, both as reformatories and as places of punishment.

The reform of the police of India is not yet in so advanced a state; but the present disturbances found the authorities in the very crisis of their deliberations on the subject. The police has hitherto remained the most faulty part of our system in India, and it is the part which it is by far the most difficult

to reform effectually. The peculiar difficulty of administering criminal justice in India arises from the character and habits of the people. In most countries, the voluntary and active co-operation of the people may be looked for in bringing criminals to justice. In India, rather than incur the trouble and annoyance of appearing as a prosecutor or as a witness, a man will even forswear himself to screen the man who has robbed him. The injury he has suffered is looked upon as the decree of destiny, and he has no disposition to add to the inconvenience by incurring exertion and expense, and perhaps exposing himself to the further vengeance of the criminal. Among such a people there is only the police who can be looked to for bringing criminals to justice. The great powers which must be intrusted to the police of such a country, and that police necessarily composed principally of natives, give rise, when combined with the passive and slavish character of the people of many parts of India (especially of Bengal), to evils with which the Government has hitherto struggled with very imperfect success.

Police.

The police of India, up to a very recent date, consisted of native establishments, under the control and orders of the European magistrate. Each zillah, or judicial district, is formed into subdivisions (more or fewer, according to the size of the district) each of which is under the charge of a local stipendiary police, consisting of a head native officer and his subordinate clerks sergeants, and constables. The native police in the Bengal Presidency is (with the partial exception of the tehsildars in the North-western Provinces) separate from the body of revenue officers. In the Presidency of Madras, the same officers discharge both revenue and police functions; and, until recently, this was also the case at Bombay.

The recognized defects of the system are, the low rate of pay, and the consequent inferiority of the class of men who enter the police, and also the disproportion of the strength of the force to the density of the population, and to the extent of country committed to their charge. With a view to the correction of these evils in Bengal, higher grades of subdivisional police officers have of late years been created, and their pay has been increased. Deputy magistrates have also been appointed, and invested with the judicial and police charge of subdivisions. The former measure has been productive of some good, by inducing a more trustworthy class to enter the service ; the latter has not yet been carried to a sufficient extent to effect any practical improvement of a general character.

The state of the police of the North-western Provinces had deeply engaged the attention of the late Lieutenant-Governor, the lamented Mr. Colvin. That distinguished functionary conducted, through the district commissioners, a general revision of the local police establishments ; reducing the number of officers in some of the districts, but increasing the salaries, and holding out the sure prospect of promotion as the reward of good conduct and efficient service. These measures were the best that could be adopted with the then available materials ; but they did not at all touch the essential constitution of the police. With regard to the village police, the ancient and indigenous police of the country ; in the North-western Provinces, its proper maintenance by the villages themselves is provided for by the conditions of the settlement. In the Lower Provinces, the terms of the permanent settlement have unfortunately deprived the Government of the power of enforcing this obligation. An Act has, however, been passed for the maintenance



of an improved city police, by an assessment on the occupiers of houses; and this plan has been introduced into several large cities and towns.

It is in the Bombay Presidency that the greatest improvements have been actually effected in police administration. The measures for this purpose were commenced under Sir George Clerk's administration, in 1848. Under the new system, revenue and police functions have ceased to be combined in the same native officers. The powers of punishment previously exercised by police officers have been taken away. To each district has been appointed a European superintendent of police (either a military or an uncovenanted officer), under whose command the police force of the district, both village and stipendiary, is placed, and who exercises the functions of an assistant to the magistrate in his police duties. This functionary, again, has the aid, in each subdivision under his orders, of an officer called joint police amildar, who has the more immediate charge of the preservation of the public peace, and the preliminary investigation into crimes of a serious nature. Active measures have been set on foot for reorganizing the village police, by ascertaining the assignments formerly made in lands and money for the purpose, and requiring that the duties for which these assignments were the remuneration, be really performed. The general control and direction of the police of the whole presidency, except the island of Bombay, is concentrated in one chief officer, under the title of Commissioner of Police. These measures are believed to be already effecting a great improvement in the police of the presidency.

In the Punjab, a police system had to be, not reformed, but created; and this task has been fulfilled

with the same efficiency with which every other part of the administration of that territory has been organized. As the Punjab police may not improbably form a model for other parts of India, it is well to note the general features of its constitution.

The police establishments consist of two parts ; the preventive police with a military organization, and the detective with a civil organization.

The preventive police consists of foot and horse ; each regiment has its own native commandant, and the whole force is superintended by four European officers. Both arms of the service are regularly armed and equipped, and are ready at a moment's notice to reinforce the civil police.

The civil police consists, first, of a regular establishment, paid by the State ; secondly, of the city watchmen, paid from a fund raised by the levy of town duties ; and, thirdly, of the village police, nominated by the landholders, confirmed in their offices by the magistrate, and paid by the villagers.

The infantry of the military preventive police furnish guards for jails, treasuries, frontier posts, and city gates, and escorts for treasure. The cavalry are posted in detachments at the civil stations ; and smaller parties, stationed at convenient intervals along the grand lines of road, serve as mounted patrols. The general duties of the civil police consist in reporting crimes, tracking and arresting criminals, and procuring evidence against them.

The police of the Punjab have been eminently successful in repressing crimes of a violent nature, in breaking up gangs of murderers and robbers, and in bringing criminals to justice ; and in no part of India is the authority of the Government more thoroughly respected than in the Punjab.

In 1856, the Court of Directors, in a despatch which has been laid before Parliament, discussed at some length the defects of the police of India, and the means available for their correction, and proposed for the consideration of the Government of India a plan of thorough reform, grounded on the three principles, of European command, unity of action throughout the country, and complete separation between revenue and police duties.

This plan has undergone careful deliberation from the Government of India. The various members of that Government, and the Lieutenant-Governor of Bengal, have individually recorded their sentiments, in minutes characterized by a frank recognition of existing defects, an earnest desire of improvement, a remarkable amount of knowledge and understanding of the subject, and great ability in the statement and discussion of the merits and defects of the various plans advocated. For the present, so far as regards the Bengal Presidency (including the North-western Provinces), the recommendations of the Government of India are limited to a better choice and ampler remuneration of the native police, and to the aiding and strengthening them, in certain localities, by police corps of a semi-military character. These measures have been sanctioned ; and until their effect has been tried, the Court of Directors have consented to put in abeyance the more fundamental changes which they had recommended. But authority has at the same time been given to the Government of India, should the present state of the country in their opinion render it expedient, to organize the police of Bengal on the model of that of the Punjab.

In the Madras Presidency, the opinion of the local Government was favourable to the Court's original

views; and in September last authority was finally given to that Government for the thorough reorganization of the police system. The leading features of the scheme which has been sanctioned are as follows:—

The appointment of a chief commissioner of police for the whole presidency, in whom will be vested, in direct communication with the Chief Secretary to Government, the direction, discipline, and internal economy of the police force;

The appointment in each district of a European deputy commissioner of police, with a sufficient number of subordinate officers and peons or constables;

The entire separation of the police from all connection with the revenue branch of administration, and of the magistrate (who will now be a purely judicial officer) from the properly police duty of the prevention and detection of crime;

And, finally, measures for reorganizing, and, it may almost be said, reviving, the village police, which, from its close connection with the localities, must necessarily constitute the last (and a most important) link in any police system really efficient, or willingly supported by the people.

The imperfections of the general police of India have not prevented some results from being attained in the way of suppression of crime, sufficiently remarkable to have attracted an amount of European notice seldom accorded to Indian affairs. The most memorable of these is the suppression of the Thugs. This singular association, which, though recruited from all castes, and even from Mussulmans, was held together by a religious tie, and a common worship of the Hindoo goddess of destruction, infested all the roads in India; and from their universal practice of murder-

Thuggee  
and  
Dacoitee  
Suppression.

ing all they robbed, it was not only almost impossible to obtain evidence for their conviction, but the extent of their crimes was greatly underrated, and their very existence in many parts of India, disbelieved in. A separate police was organized specially against them. The gangs were broken up in the only manner in which this could possibly have been effected—by encouraging some of them to denounce the rest. From the narratives of these approvers, taken separately from one another and with the utmost precautions against the possibility of concert, lists of all the Thugs in India were obtained, and the particulars of the crimes committed by each. These were then traced to their haunts, identified, tried, and convicted, on the evidence of their accomplices, confirmed by the finding of bodies, the identification of property, or other corroborative evidence. Many suffered death, a much greater number transportation for life, and, in a few years from the commencement of the operations, all India was cleared of these criminals. The pardoned accomplices remain under surveillance at Jubbulpore, in Central India, where they and the children of the captured Thugs have been taught several useful branches of manufacture. The Jubbulpore School of Industry now supplies to Government and the public many valuable carpets and linen cloths, and a great proportion of all the tents used in India.

When the work of the Thuggee Suppression Department was nearly completed as far as regarded the Thugs, its operations were extended to the still more prevalent crime of dacoity, or robbery and burglary on a large scale by organized gangs of professional banditti. The mode of breaking up the gangs by means of approvers, which had been so successful against the Thugs, has been put in practice with equal

success against dacoits; and this crime, so far as it was perpetrated by large associations ranging over a wide extent of country, has now been almost as completely rooted out as Thuggee. Dacoitee had been almost entirely suppressed in the North-western Provinces and in Bombay, before the occurrence of the recent disasters. In the Lower Provinces of Bengal the crime has been greatly reduced within the last three or four years. In seven large districts surrounding Calcutta, where it was lamentably prevalent, the number of dacoitees has been progressively reduced from 524 in 1851, to 111 in 1855. In some of the districts of the Madras Presidency, dacoitees of a local character, by small gangs, to which the approver system is not equally applicable, are still frequent; but the improvement in the police, and other measures in contemplation, will, it is hoped, speedily reduce their number.

The piracies which formerly made the navigation of the Arabian seas unsafe for commerce, have been so effectually suppressed by the East-India Company's cruisers, that there is now hardly any part of the world in which trading vessels are more secure against depredation. The formerly piratical tribes have been bound by engagements to abstain not only from piracy, but from maritime war, which affords opportunities and pretexts for piracy: and, for the first time probably in history, a perpetual peace, guaranteed by treaties and enforced by superior naval strength, reigns in the Persian Gulf.

Suppression  
of Piracy.

Equal vigour has been displayed against many barbarous usages of the natives. Special measures have been carried on during a long series of years for the suppression of female infanticide, a crime which had become a positive custom among several of the

Infanticide.

higher castes in various parts of India, from motives, not of religion, but of family pride. The co-operation of the native princes has been urgently invited, and to a great extent obtained, for the suppression of this practice. In the places, and among the castes, in which the practice was ascertained to exist, means were taken to obtain an annual census of female children. A report of all births, of all deaths of infants, and of the causes of deaths, was required, under stringent regulations and penalties. Engagements were taken from the influential persons of the castes to preserve their own children, and to aid in enforcing the same conduct on others. Honorary rewards and marks of distinction have been conferred on chiefs and others who have exerted themselves for the promotion of the object. By great efforts of persuasion and address, the heads of castes and tribes have been prevailed on to agree to a limitation of that favourite subject of vanity, marriage expenses; and grants of money are regularly made to poor persons of the castes, in aid of the marriages of their daughters. These efforts have been rewarded by a continual diminution of the number of infanticides, evidenced by a constant increase in the number of females in existence, of the formerly delinquent castes.

Suttee.

Suttee, or the voluntary burning of widows on the funeral piles of their husbands, after having been long discouraged by every means short of positive prohibition, was finally made a criminal offence in all who abetted it, by a legislative Act of Lord W. Bentinck's administration, and has now entirely ceased in the provinces subject to British administration. Unremitting efforts have been used to induce the native princes to follow the example, and have been at last successful with all of them except one, the Maharana

of Odeypore, the representative of the oldest and proudest dynasty in India: and this prince professes himself willing to abolish the rite, when the cessation of existing differences between himself and his feudatory chiefs shall enable him to obtain their concurrence in the measure. Various other modes of self-immolation practised in India,—by drowning, burying alive, or starvation,—have been, with equal success, prohibited and suppressed.

The pretence of supernatural powers was a source of great evil in India, not only as a means of extortion and intimidation, but also by the numerous murders perpetrated on persons suspected of practising on the lives or health of others by magical arts. These acts of fancied retaliation have been, with a gentle but powerful hand, repressed, and great progress has been made towards their extinction. The fraudulent pretence is now punished as a substantive crime.

Witchcraft.

The insecurity of rights, and the imperfection of the tribunals, under the native Governments, had introduced, on the part of those who were, or believed themselves to be, injured, a singular mode of extorting redress. They hired a person of one of the religious classes to threaten that unless the demand, whatever it might be, was complied with, he would kill or wound himself or some one else; thereby, it was supposed, entailing the guilt of murder or of wounding on the person whose alleged injustice was the original cause of the act. If the threat proved ineffectual, the honour of the threatener was engaged to carry it into practical effect; and many suicides or murders were committed from this cause. This barbarous practice, known by the name of Tragga, has been almost entirely suppressed, partly by penal laws, and partly

Tragga.



by affording more legitimate means of enforcing just claims.

Meriah  
Sacrifices.

Among the barbarous tribes who occupy the hill tracts of Orissa, on the south-west frontier of Bengal, human sacrifices prevailed until a very recent period. By a well-devised and judicious series of conciliatory measures, worthy of a more lengthened record than can be given to them in this place, the extinction of this enormity has been effected.

Abolition of  
Slavery.

After a full consideration of the subject of slavery in India, by the Indian Law Commissioners and by the Government of India, an Act was passed in 1843, which entirely abolished slavery as a legal status. The courts of justice are forbidden to recognize it; no fugitive, claimed as a slave, can be forcibly restored; and every act which would be an offence if done to a free person, is now equally an offence when done to the persons formerly considered slaves.

Vet Begaree,  
or Forced  
Labour.

One of the most oppressive of the burthens on the agricultural and labouring classes under the native Governments, was compulsory labour, not only for the repair of roads where any existed, but for the purpose of carrying the abundant baggage of Government officers or powerful individuals when journeying from one place to another. This practice has been abolished. The last vestige of it, in a licensed form, is believed to have been in the construction of the Thibet road through the Himalaya Mountains, and orders have recently been issued for its discontinuance there.

Civil Rights  
of Religious  
Converts.

By an Act passed in 1850, the principle already laid down in a Bengal Regulation of 1832, that change of religion should not involve loss of property or civil rights, was extended to the whole of the territories subject to the British Government of India. The religious and civil laws of the Hindoos have in

this point been completely set aside; and converts to Christianity have been shielded, as far as law can shield them, against temporal ill consequences from their change of faith.

By an Act passed in 1856, another great inroad has been made on Hindoo prejudices, by legalizing the re-marriage of widows.

Re-marriage  
of  
Widows.

An Act passed in 1840 gave effect to instructions issued by the home authorities in 1833, on the subject of pilgrim taxes, and the superintendence of native festivals. The instructions directed that the interference of British functionaries in the interior management of native temples, in the customs, habits, and religious proceedings of their priests and attendants, in the arrangement of their ceremonies, rites, and festivals, and generally in the conduct of their interior economy, should cease; that the pilgrim tax should everywhere be abolished; and that in all matters relating to their temples, their worship, their festivals, their religious practices, and their ceremonial observances, our native subjects be left entirely to themselves. Property held in trust for religious uses of course cannot be diverted from them by any act of the Government; but if such trusts are infringed, redress must be sought, as in all other cases, from the tribunals. In 1841 the home authorities sent out further instructions, that no troops or military bands of music be called out, and no salutes fired, in honour of native festivals; and all such acts have since been regarded as strictly prohibited. When any case of infringement of these principles is found to have been overlooked, it is, on being brought to notice, immediately corrected.

Discon-  
tinuance of  
Connection  
with the  
Religious  
Ceremonies  
of the  
Natives.

## IMPROVEMENT OF THE COUNTRY BY PUBLIC WORKS.

The measures which have now been briefly described, for fixing and moderating the demands of Government on the tax-paying population, and securing to every one the full enjoyment of the fruits of his industry, are in themselves the most effectual means which could have been adopted for improving the productive resources of the country. In a country like India, however, the direct aid of Government to industry is required, for a variety of purposes which, in more advanced countries, are sufficiently, and even better, provided for by private enterprise. The principal of these are, irrigation, and the means of communication by roads and canals.

### Irrigation Works.

The British Government in India has frequently been charged with niggardliness in incurring expense for these purposes. There was some, at least apparent, ground for the charge, in former generations ; though even then, the truth fell far short of the current representations. It is often asserted that the country is covered with the remains of tanks and other works of irrigation, which the native rulers constructed, and which the British Government has allowed to decay. The fact is overlooked, that most of these were already in a state of decay before the country came into our possession ; long periods of disorder and military devastation having destroyed the funds which should have repaired them, and the security which would have admitted of their repair. Many works which are supposed to have fallen into decay, never were completed :

many were allowed to decay by the native sovereigns; for it was only occasionally that a prince, of unusual talents and vigilant economy, had funds to spare for such purposes; and the same prince who would commence new works with which his own name was to be connected, would often neglect to keep up those of his predecessors. Whether it is a just subject of censure, that the restoration of these old works was not commenced earlier, is a question depending on many and various considerations; but the activity in this department for many years past has been exemplary.

The Western and Eastern Jumna canals were of ancient construction, but had fallen into disrepair and become useless to the country, until again brought into activity by the labours of the Company's officers at a sufficiently early date to admit of a full estimation of the benefits which the country has reaped from their restoration. The main line of the Western Jumna Canal is in length 445 miles. In the famine year, 1837-38, the gross value of the crops saved by the water of this canal was estimated at £1,462,800; of which about one-tenth was paid to Government as land and water rent; while the remainder supported, during a year of devastating famine in other districts, the inhabitants of nearly 500 villages.

Jumna  
Canals.

The works originally projected for the restoration of the Eastern Jumna Canal were completed in 1830; but considerable improvements have been effected since that date at a large expense. In 1853, the Court of Directors sanctioned an expenditure of £15,276 for improving this canal, so as to economize the water, facilitate its distribution, and correct the malarious state of the country on its banks. It is stated, that on the 1st of May, 1852, the clear profit to Government on this canal had been £9,759.

Up to 1847-48, the expenditure incurred on these and some minor works in the North-western Provinces had amounted to about £557,000, while the amount received in direct canal revenue was in all £546,000. The quantity of land brought under the influence of irrigation was 1,300,000 acres, yielding produce of the annual value of £2,500,000, and supporting a population of 600,000 souls.

Ganges  
Canal.

The history of the Ganges Canal, the greatest work of irrigation ever constructed, belongs to a more recent period. The employment of the water of the Ganges for irrigation purposes appears to have been first contemplated by Colonel Colvin, who, on delivering charge of his office of superintendent of canals to his successor, the present Sir Proby Cautley, recommended the project to his consideration. Colonel Cautley carefully examined the country through which the canal would pass, and the scheme was, in 1841, brought under the consideration of the home authorities, who gave it their cordial support, subject to a further examination of the project by a committee of engineer officers. The committee's report was favourable; but various difficulties intervened, and the work cannot be said to have been fairly commenced, on a scale commensurate with its importance, till the year 1848.

The total length of the Ganges Canal and its branches, when completed, will be  $898\frac{1}{2}$  miles, and it will furnish abundant irrigation for an area of 4,500,000 acres. The canal, in the words of the Lieutenant-Governor of the North-western Provinces, "presents  
"a system of irrigation unequalled in vastness through-  
"out the world; while the dimensions of the main  
"channel, and the stupendous works of masonry which  
"occur in its course, more particularly in the section

“ between Roorkee and Hurdwar, render the work “ eminently one of national distinction and honour.” The amount expended on it up to the 1st of May 1856, had reached the sum of £1,560,000; and when completed, the total cost will fall little short of £2,000,000. The canal has but just begun to be brought into operation; but it is estimated by Colonel Baird Smith, the director, that the annual produce of the land already watered by it is of the value of from £150,000 to £200,000; and that when the canal is in full operation, the value will ultimately reach the enormous sum of £7,000,000.

On the 30th April, 1856, the canal had been carried so far that the water flowed continuously through  $449\frac{1}{2}$  miles of the main trunk and terminal branches. The extent of main channels of distribution (rajbuhas) completed, was  $435\frac{1}{2}$  miles, and 817 miles more were in active progress.

The canal is fitted also for purposes of navigation, but it has not yet been made available to the public for this purpose, although extensively used by the Government for the transport of materials. Colonel Baird Smith states that the canal closes its first year of work (1855-56) with an aggregate revenue, from all sources, of rather more than Rs. 60,000, having watered during the year about 55,000 acres of land, and having placed beyond the risk of serious damage from drought, an area of cultivation extending over about 166,000 acres, distributed among 1,134 villages.

In the Punjab, the canals are of two kinds, inundation canals and permanent canals. The inundation canals are cuts from the rivers, which are empty during the winter, because the water is not then high enough to enter them; but as the water rises in the spring, from the melting of the snows, these channels

Punjab  
Canals.

fill, and remain full until late in autumn. The fertility of the South-western Punjab mainly depends on these canals, and in a former age they appear to have been conducted from all the rivers; their course being traceable by the ruins not only of villages but of cities and public buildings, which depended for existence on their fertilizing influence. Such of these canals as were found in working order at the annexation, have been maintained, improved, and enlarged; and plans and estimates have been formed for the restoration of others. As yet, however, the greater part of the funds which could be spared for the purpose, have been devoted to the construction and improvement of permanent canals. In 1849, the enlargement and extension of the Huslee Canal, stated to be capable of irrigating 70,000 begahs of land, was sanctioned, and it is now in good working order. But this will ultimately be superseded by the Baree Doab Canal for irrigation and navigation. The length of this new work is about 450 miles; the original estimate of the cost was £530,000; but more extensive works than were at first expected having been found necessary, and the rates of labour having proved much dearer than those calculated, the ultimate cost will fall little short of a million sterling. In May 1856, more than 325 miles had been excavated; and it was hoped that the canal would be opened in 1859. The expected return is 12 lacs of rupees, or £120,000 per annum.

#### Sind Canals.

The cultivation of the province of Sind is dependent on the rise of the river Indus, whose waters are distributed over the face of the country by a network of canals of greater or smaller dimensions. About two and a half lacs (£25,000) are annually expended in clearing these canals from the

irrigation over the districts of Tanjore, and portions of Trichinopoly and South Arcot, were constructed, at a cost of about £100,000.

The average quantity of land watered annually from the Coleroon and Cauvery prior to 1836, is given at 630,613 acres. Since the improvements, the average (up to 1850) was 716,524 acres; being an increase of 85,911. The annual increase of revenue has been about £44,000; and it may be assumed that the agricultural community have benefited to the extent of at least £66,000 per annum, from the extension of the area of irrigation. It is further calculated that at least an equal amount is added to the value of the annual produce, by the better irrigation of the lands which the waters already reached.

Godavery  
Anicut.

An expenditure of £47,575 for the construction of the Godavery anicut was sanctioned in 1846. It was then anticipated that the total cost, with compound interest at 5 per cent, would be recovered in ten years, and that thenceforward a clear profit would be returned of at least £9,000 per annum. The work has, however, proved much more costly than was expected. Up to 1852, the amount expended was £130,000, and a further outlay of £110,000 was expected to be required, which, with £24,000 allowed for annual repairs during its completion, would raise the total expenditure on the works (including a system of roads and an important line of inland navigation) to £264,000. The amount expended has, it is stated, been already repaid by the increased receipts; and the Madras Public Works Commissioners of 1852 (to one of whom, Colonel Cotton, the merit of this important work is in a great measure due) estimate that when the works shall be in full operation, the total increase of revenue will not be less than £300,000 per annum,



while the gain to the people, by enabling them to cultivate the more valuable products, such as sugarcane, rice, &c., instead of the ordinary dry crops, will exceed £3,000,000 per annum.

The anicut across the Kistna river was commenced in 1853. The original estimate of the cost was £155,000; but it is probable that this amount will be to some extent exceeded. It is intended, by 290 miles of irrigation channels distributed on both sides of the river, to supply water sufficient for 280,000 acres of rice cultivation, or 350,000 of rice, sugar, and possibly cotton, combined. The results anticipated are, an increase of £60,000 in the revenue of Government, and a gain of £90,000 per annum to the agricultural community.

Kistna  
Anicut.

In 1854, sanction was given to an expenditure of £86,611 for the construction of an anicut across the Palar river, in North Arcot, and of the works subsidiary to it. The expected increase of revenue was stated at £18,470 per annum, or, deducting ten per cent for repairs, £16,623.

Palar  
Anicut.

Very large sums have in the aggregate been spent in the construction of new, and still more in the repair and restoration of old, tanks and wells, both in the Madras Presidency and in the other parts of India which depend on works of that description for water supply. In some hill districts, ravines have been dammed up, and a head of water obtained for the irrigation of the adjacent valleys or plains. This was the plan of Colonel Dixon's irrigation works in Mhairwarra; and a system of such works had begun to be executed in Bundelcund, when the disturbances broke out.

A disposition has been of late shown to form companies for the execution of profitable works of

irrigation, on certain conditions to be granted by the State. In September last, the Indian Governments were directed to take this subject into deliberate consideration, and to frame rules under which the aid of private companies in the construction of such works might most beneficially be employed; and readiness was expressed to give to such companies a guarantee of interest, on the same footing as railway companies.

Roads and  
Navigable  
Canals.

Next in importance to irrigation works, are the means of internal communication. Whatever may have been the degree of care bestowed by the Hindoo and Mahomedan Governments on the former object, it has not been pretended that they did anything for the latter. It was never their practice to lay out money in the construction of permanent roads, or in the formation of canals for navigation. The plains of India are traversable by carts, and even by armies, without made roads, throughout the dry season; and neither (in general) military movements, nor commercial transport, were carried on during the rains. Roads, therefore, in India, were not, as in some countries, a matter of absolute necessity; and in this respect, whatever has been done at all, has been done by the British Government.

Goda  
Ani

Grand Trunk  
Road.

The most important line of road in India is the Grand Trunk Road from Calcutta to Delhi, through Hooghly, Burdwan, and Benares, and including either in the main line, or by means of branches, all the principal cities of the North-west Provinces. This road, 837 miles in extent, has been gradually brought to its present state of a thoroughly well-formed road, metalled and bridged, except a few of the larger rivers, which are still crossed by ferries; but over all these (it is believed), except the Ganges

and the Soane, bridges are in course of construction. This road, with its continuation to Kurnal (and now to Lahore, which is in course of completion), has been divided into different portions, each under the charge of a separate engineer officer, with an establishment for the purposes of construction, or of maintenance and protection, as the case may be. The cost of the Grand Trunk Road as far as Delhi had been, up to the year 1848, £489,100, and the annual expense of maintaining it was then estimated at £35,000.

Since the annexation of the Punjab, a continuation of the Grand Trunk Road from Lahore to Peshawur, a distance of 275 miles, has been in progress. This road also is to be completely metalled and bridged throughout. The cost was estimated, when the work was sanctioned in 1852, at £154,848. By means of this road a direct line of communication will have been established between Calcutta and the extreme boundary of the British territory to the north-west, a distance of 1,500 miles. Besides this, many other roads in the Punjab, and among them roads from Jullundur to Lahore, and from Lahore to Mooltan, have been undertaken.

The sea has been mainly relied on for communication with Madras; but roads are now in course of formation, which will provide a line of continuous communication by land.

The land communication with Western India is carried on by way of the Grand Trunk Road to Benares, onward by Mirzapore and Jubbulpore to Nagpore, and thence to Bombay. The road beyond Mirzapore, under the name of the Great Deccan Road, was commenced thirty years ago, but was kept up only as a fair-weather road till within the last few years, when arrangements were made for its being

Great  
Deccan  
Road.

thoroughly raised, metalled, and bridged. The distance from Mirzapore to Nagpore or Kamptee, is nearly four hundred miles. Estimates amounting to £11,659 were sanctioned by the Court of Directors in 1856, for bridging the portion of road between Mirzapore and Jubbulpore, which had been already metalled; £25,084 were also sanctioned for raising and metalling the portion between Jubbulpore and Kamptee, and measures were further authorized to bridge this portion of the road.

Agra and  
Bombay  
Road.

Another great and important line, the Agra and Bombay road, 735 miles in length, was commenced in 1840. In 1854, the Court sanctioned an annual expenditure of £9,880 for the maintenance and improvement of the portion of this road between Agra and the frontier of the Bombay Presidency.

Gods  
Ani

Dacca and  
Chittagong  
Road.

After the annexation of Pegu, roads were projected by way of Dacca to Arracan, from which province a road was to be carried over the mountains to Prome. Great difficulty was experienced in laying out a road from Calcutta to Dacca, and it is probable that this part of the project will not be carried into effect; the traffic of this district, so intersected by tidal channels, being left to be carried on by water, unless it shall be found practicable to form a railway. A road to Jessore (the line of communication with Assam and Burmah) was however sanctioned, at a cost of £41,720 on a rough estimate. From Dacca to Chittagong, considerable progress has been made in the formation of a road, or rather in the completion, as a first-class road, of the road which, though in a most inefficient state, previously existed. From Arracan into Pegu, the task of forming a road across the mountains by the Toungoop Pass has been most successfully accomplished by Lieutenant Forlong.

In Pegu itself, no time was lost after the acquisition of the province, in commencing improved means of communication. The sanction of the home authorities was sought and given to roads from Rangoon to Prome, a distance of nearly two hundred miles, at an estimated cost of £160,000, and from Martaban to Toungoo *viâ* Sitang.

Besides the great lines of communication above enumerated, a multitude of shorter lines have been constructed, at the entire cost of Government, in Bengal, the North-western Provinces, and the Punjab, while considerable sums have annually been expended in the two former divisions of territory from local funds. Among the roads either completed or under construction at the expense of Government, is one from a point on the East-India Railway to Darjeeling (roughly estimated at about £200,000); another from Doobee, on the Grand Trunk Road, to Patna (cost £115,000); numerous roads in the Saugor and Nerbudda territories; and a road from the plains to Simla and the other hill stations, continued through the mountains to Chini in Thibet. The district roads were, until within the last few years, maintained from the profits of the ferries kept up by Government; but there are now also appropriated to this purpose, in Bengal, the surplus tolls on the Nuddea rivers and the Calcutta canals, amounting altogether to £50,000, and the surplus proceeds of various local funds established for other purposes. In the North-western Provinces, one per cent on the land revenue is contributed in equal portions by the Government and by the landowners, for the purpose of district roads; the landowners being thus freed from the obligation which previously lay on them, of keeping in repair the public roads

Miscellaneous Roads.

which passed through their lands. In these provinces, as in Bengal, the ferry funds are appropriated to district roads, and they amount to about £20,000.

Madras  
Roads.

The first step to the systematic prosecution of road-making in the Madras Presidency was taken in 1845, by the appointment of an officer to the charge of the main or trunk lines of road, and the appropriation to the maintenance and improvement of the roads, of the annual sum of £40,000. The roads under the charge of the superintendent were, the Western Road, to the Mysore frontier towards Bangalore (200 miles); the Southern Road, to Trichinopoly (205 miles); the Northern Road, to the Bengal frontier, with a branch to Cuddapah (785 miles); and the Sumpajee Ghaut Road, from the western frontier of Mysore to Mangalore (105 miles). Up to May 1851, £37,121 had been expended on the Western Road, exclusive of the cost of superintendence; and the road had been made passable for travelling-carriages at the rate of six miles an hour. Besides the road department under the charge of the superintendent, the Civil Engineers of districts were charged with the improvement of the district roads, under the orders of the Collectors; and the care of roads in some districts was under the officers of the Military Board. The expenditure on roads, bridges, and ghauts, under the Madras Presidency, increased in the five years from 1846 to 1850, from an average of £16,179 to one of £42,076. The expenditure in 1849, 1850, and 1851, was respectively £45,149, £58,197, and £59,680. In the succeeding year the department came under an improved organization; and the outlay in 1855-56, the last year for which it can be ascertained, was £193,930; to which may be added £30,957 for navigable canals,—in all, £224,887.

Among the works in progress in the Madras Presidency for the improvement of the means of communication, is the formation of the East Coast Canal, to be effected by the junction of the various back-waters, and of the local canals which in several places already exist, completed by entirely new channels to be excavated. The expenditure on this work, up to 1855-56, amounted to £14,171.

The made roads in the Bombay Presidency, twenty-five years ago, were almost entirely limited to the presidency town and its immediate neighbourhood; the road from Bombay (or rather Panwell, on the other side of the harbour) to Poonah, being the only road to a distant place on which any considerable expenditure had taken place. This road has since been greatly improved, and supplied with bridges. The Bhore Ghaut, or pass, on this road, formerly accessible only to bullocks, and coolies (or porters), had in 1830, at an expense of about £13,000, been made easy for carriages: the Thull Ghaut, on the Bombay and Agra road, has since been similarly improved; and roads over the Khoonda Ghaut, the Tulkut Ghaut, and the Koomtudee Ghaut, to the southward, have since been put under construction, to facilitate the communications between the coast and the interior of the country.

Bombay  
Roads.

The portion of the Agra and Bombay road within the jurisdiction of the Bombay Government is 270 miles in length: the expenditure on it had amounted, in 1848, to £75,390; and since that time a considerable outlay has taken place, especially on the improvement of the Thull Ghaut and the road below it.

A system of roads for Sind, at an estimated cost of from £20,000 to £30,000, received the sanc-

Sind  
Roads.

tion of the home authorities in 1854, and is in progress.

New  
Organization  
of Public  
Works.

From the preceding details it will be seen that very considerable sums had been expended on the construction and improvement of roads in India at a much earlier period than is frequently represented. But the extraordinary activity with which these operations have been carried on dates from 1850. In January of that year, the home authorities, being dissatisfied with the progress made in the prosecution of public works throughout India, deliberately reviewed, in a despatch to the Government of India, the system under which such works had, up to that time, been carried on, and found, in the division of responsibility and the absence of unity of action, ground for the opinion that a great change was required. In consequence of the orders contained in that despatch, a Commission was appointed in each presidency, to consider and report on the subject. Their investigations have led to the formation of a separate department of Public Works in each presidency, based on one uniform plan, and to the addition of a secretary in the department of Public Works to the secretariat of the Government of India. From this period to the commencement of the present unhappy disturbances, the activity of the department has been incessant; the engineer officers of the three Indian armies supplying the higher order of professional skill, and the subordinate European superintendence being afforded by numerous non-commissioned officers possessing the requisite qualifications, and latterly by a considerable number of civil engineers, engaged in England, who have proved in many cases of the greatest value to the department. As a means of supplying well-qualified subordinates for the purpose of public works, a college for instruc-

Colleges of  
Civil  
Engineering.



tion in civil engineering was established in 1847. It was fixed at Roorkee, near the head of the Ganges Canal, the works and establishments at that place affording peculiar facilities for combining practical with theoretical instruction. The plan of the college was greatly enlarged in 1852; and its annual charge is about £7,000. The establishment of colleges of civil engineering at Calcutta, Madras, and Bombay, has subsequently been sanctioned.

The preceding statements relate only to works constructed by public money. The construction of railways is carried on by private capital, with a guarantee of interest by the Government. It is proper to give a brief summary of the railway-works which have been sanctioned and commenced. Railways.

Four thousand one hundred and fifty-eight miles of railway have been sanctioned, and measures are being taken for their construction under a guarantee of interest, viz.:—

By the *East-Indian* Railway Company, from Calcutta to Delhi, with branches from Burdwan to Raneegunge, and from Mirzapore to Jubbulpore, 1,400 miles.

By the *Eastern Bengal* Railway Company, from Calcutta to the Ganges at Koostree, near Pubnah (130 miles), being the first section of a line to Dacca, with a branch to Jessore; which, when completed, will form the basis of a system of railways for Eastern Bengal.

By the *Madras* Company, from Madras to the western coast at Beypore, 430 miles; and

From Madras, *via* Cuddapah and Bellary, to meet a line from Bombay at or near the river Kistna, 310 miles.

By the *Great Indian Peninsula* Company, from

Bombay to Callian, thirty-three miles, with extensions,

North-east to Jubbulpore, to meet the line from Mirzapore, with a branch to Oomrawuttee and Nagpore, 818 miles; and south-east, *via* Poonah and Sholapore, to the Kistna river, to meet the line from Madras, 357 miles.

By the *Sind and Punjab* Company, from Kurrachee to a point on the Indus, at or near to Kotree, 120 miles; and from Moultan to Lahore and Amritsir in the Punjab, 230 miles.

By the *Bombay, Baroda, and Central India* Company, from Bombay to Surat, Baroda, and Ahmedabad, 330 miles.

The following statement shows the amount of capital which, it is estimated, will be required for the above extent of lines, and the amount of capital already issued :—

| RAILWAY COMPANY.                | Estimated outlay required to complete the several Lines sanctioned. | Total amount of Capital at present issued with the sanction of the East-India Company. |
|---------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| East Indian ... ..              | £12,731,000                                                         | £8,731,000                                                                             |
| Eastern Bengal ... ..           | 1,000,000                                                           | 1,000,000                                                                              |
| Madras ... ..                   | 6,000,000                                                           | 4,000,000                                                                              |
| Great Indian Peninsula ...      | 10,000,000                                                          | 6,333,300                                                                              |
| Sind and Punjab ... ..          | 2,500,000                                                           | 1,000,000                                                                              |
| Bombay, Baroda, & Central India | 2,000,000                                                           | 1,750,000                                                                              |
|                                 | 34,231,000                                                          | 22,814,000                                                                             |

In addition to this assistance by way of

guarantee, the land for the railways (including compensation for all buildings thereon), and for their termini, has been given by Government. The value of this may be estimated at more than £1,000,000 for the above extent of line.

The lines in course of construction have been chosen for commercial, quite as much as for military and political, objects. In every case the existing channels of trade have been followed. The chief cotton-producing districts are provided with railway accommodation; and in one or two instances, such as the railway which connects the great cotton-field of Berar with Bombay, and the railway through Surat and Guzerat, the principal object is to develop the agricultural resources of those districts, and to bring their produce into communication with the sea.

At present only a small section is open in each Presidency, making about 400 miles in all; but 3,600 more are being constructed almost simultaneously. The following statement will show the sections now open, the periods at which other sections are to be opened, and at which the whole will be completed:—

| RAILWAY COMPANY.                                                                                                                                      | Total length of Lines. | Experimental Line.                                                                                                                                                                   | Periods at which it is estimated that the remaining Works on the Lines will be completed. |                                                                   |                                                                                                       |                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|                                                                                                                                                       |                        |                                                                                                                                                                                      | Burdwan to Rajmahal (130 miles), 210 from Calcutta; December, 1859.*                      | Between Rajmahal and Allahabad, 440 miles; 1860.                  | Between Allahabad and Cawnpore (1st section N. W. P. division), 126 miles; nearly ready for opening.† | Cawnpore to Delhi, 260 miles; October, 1858 (excepting the bridge over the Jumna). |
| EAST INDIAN :—<br>Calcutta to Delhi..... say<br>Mirzapore to Jubbulpore (a).<br><br>(a) Note.—No period yet specified for the completion of the line. | Miles.<br>1,100<br>300 | Calcutta to Burdwan, and branch to Ranee-gunge, 121 miles; commenced 1850; completed 1855.                                                                                           |                                                                                           |                                                                   |                                                                                                       |                                                                                    |
|                                                                                                                                                       | 1,400                  |                                                                                                                                                                                      |                                                                                           |                                                                   |                                                                                                       |                                                                                    |
| GREAT INDIAN PENINSULA :—<br>Bombay to Callian .....<br>Callian to Jubbulpore, with branch to Nagpore, <i>via</i> Oomrawuttee .....                   | 33<br><br>818          | Bombay to Callian, 33 miles; commenced 1850, completed 1854. Sections N.E. to Wassind (16 miles) and S.E. to Campoolie (38 miles) have subsequently been opened. Now open, 87 miles. | Callian to Bhosawl, 241 miles; October, 1859.                                             | N. E. LINE.<br>Bhosawl to Oomrawuttee, 125 miles; December, 1860. | Oomrawuttee to Nagpore, 138 miles; March, 1861.                                                       | Bhosawl to Jubbulpore; not yet estimated, probably the end of 1861.                |
|                                                                                                                                                       | 357                    |                                                                                                                                                                                      | Callian to Poonah, 91 miles; February, 1858.                                              | S. E. LINE.<br>Poonah to Sholapore, 165 miles; 1860.              |                                                                                                       | Sholapore to Krishtna; not estimated, probably the end of 1861.                    |
|                                                                                                                                                       | 1,208                  |                                                                                                                                                                                      |                                                                                           |                                                                   |                                                                                                       |                                                                                    |

|                                                                                                                                                                                                                        |     |                                                                                                                                              |                                                                                                                      |                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| MADRAS :—<br>Madras to Beypore .....<br>Madras, <i>via</i> Cuddapah and<br>Bellary, to the Krishna,<br>about .....                                                                                                     | 430 | Madras to Vellore, 81 miles ;<br>commenced 1853, completed to<br>Arcot 1856, and to Vellore in<br>1857.                                      | Vellore to Vaniembaddy, 125<br>miles from Madras, January, 1858.<br>To Beypore on the Western coast,<br>March, 1859. | The line to the<br>Krishna not yet<br>estimated, pro-<br>bably to Bellary<br>in 1861, and to<br>the Krishna in<br>1862. |
|                                                                                                                                                                                                                        | 310 |                                                                                                                                              |                                                                                                                      |                                                                                                                         |
|                                                                                                                                                                                                                        |     | 740                                                                                                                                          |                                                                                                                      |                                                                                                                         |
| SIND :—<br>Kurrachee to the Indus, at or<br>near to Kotree .....                                                                                                                                                       | 120 | Estimated to be completed by October, 1859.                                                                                                  |                                                                                                                      |                                                                                                                         |
| BOMBAY, BARODA, and CEN-<br>TRAL INDIA :—<br>Bombay to Surat, Baroda,<br>and Ahmedabad .....                                                                                                                           | 330 | Estimated to be completed from Surat to Baroda in 1858, and to Ahmedabad in 1859.<br>The section between Bombay and Surat not yet estimated. |                                                                                                                      |                                                                                                                         |
| * Delays have occurred in this district, in consequence of the Sonthal insurrection and the subsequent disturbances in Bengal.<br>† Would have been opened by December, 1857, but for delays occasioned by the mutiny. |     |                                                                                                                                              |                                                                                                                      |                                                                                                                         |

The works for the trunk lines above described have been made suitable for locomotive engines, and are of a solid and permanent character, so that an uninterrupted communication will be maintained throughout the year.

The mileage cost of the lines which have been completed has been :—

*East Indian.*—Calcutta to Raneegunge, 121 miles (including double line to Burdwan, and terminal stations), about £12,000 per mile.

*Madras.*—Madras to Arcot, sixty-five miles, about £5,500 per mile.

The data in respect to the line now open in the Bombay Presidency, constructed by the Great Indian Peninsula Railway Company, are not sufficiently complete to enable the actual mileage cost to be ascertained.

It is, perhaps, premature to judge of the success of Indian railways as commercial undertakings; but the line from Calcutta to Raneegunge is already earning a profit of nearly seven per cent, being two per cent beyond the guaranteed rate of interest. The following table will show the extent of traffic on the East-Indian Railway for the year ending 31st December, 1856:

PERIOD

| PERIOD.                                      | Number of Passengers conveyed. |            |            |         |
|----------------------------------------------|--------------------------------|------------|------------|---------|
|                                              | 1st Class.                     | 2nd Class. | 3rd Class. | Total.  |
| Six Months ending }<br>30th June, 1856 ... } | 6,466                          | 23,256     | 402,599    | 432,321 |
| Six Months ending }<br>31st December, 1856 } | 6,639                          | 25,877     | 432,605    | 463,121 |
|                                              | 13,105                         | 49,133     | 835,204    | 895,442 |
|                                              |                                |            |            |         |
| PERIOD.                                      | Goods.                         |            | Receipts.  |         |
|                                              | Tons.                          |            | £.         | s. d.   |
| Six Months ending }<br>30th June, 1856 ... } | 33,010                         | }          | 95,188     | 16 4    |
| Six Months ending }<br>31st December, 1856 } | 44,675                         |            |            |         |
|                                              | 77,685                         |            | 95,188     | 16 4    |

It may be observed that these are the results of the traffic on a line where the amount of merchandise conveyed is very small, compared with what it will become when the railway is continued to the Ganges at Rajmahal.

The numbers stated under the head of "Third Class," in the above table, will in some degree indicate the extent to which the natives use the railway. The receipts from this class are nearly four times as great as from the two higher classes combined; the receipts from passenger traffic in the half-year ending 30th June 1856, having been :—

|           |     |     |     |            |
|-----------|-----|-----|-----|------------|
| 1st Class | ... | ... | ... | Rs. 27,986 |
| 2nd „     | ... | ... | ... | 29,589     |
| 3rd „     | ... | ... | ... | 1,99,883   |

In addition to the lines specified above, the Court have sanctioned the construction of one by the Calcutta and South-eastern Railway Company, from Calcutta to the Mutlah river, upon the same terms as to the provision of land, but without any guarantee of interest.

Electric  
Telegraph.

Even more important as a means of communication than railways, is the electric telegraph; the use of which, at the commencement of the late disturbances, may be said with scarcely any exaggeration to have saved our empire. Having already, in a wonderfully short space of time, connected the seats of the different Governments by lines of telegraph upwards of three thousand miles in length, the Government of India is now engaged in establishing additional lines of about the same extent, through which the most important places will be brought into communication with each other by alternative routes.

The lines established, and in course of construction, are :—

1st. From Calcutta, *via* Benares, Cawnpore, Agra, Meerut, Delhi, Umritsir, and Lahore, to Peshawur; with a branch to Lucknow.

2nd. From Bombay to Agra, *via* Indore and Gwalior.

3rd. From Bombay to Madras, *via* Sattara, Bellary, and Bangalore.

4th. From Bombay along the coast, by Vingorla and Mangalore, to Cananore.

5th. From Bangalore to Ootacamund and Mahableshwar.



6th. From Benares, through the centre of the Peninsula, by Mirzapore, Jubbulpore, Nagpore, and Hyderabad, to Bellary.

7th. From Bombay, by Surat and Baroda, to Kurrachee.

8th. From Kurrachee, by Hyderabad (Sind) and Moultan, to Lahore.

9th. From Calcutta, by Dacca, Akyab, and Prome, to Pegu and Rangoon.

10th. From Calcutta to Madras, by the coast ; and—

11th. From Madras, along the coast, by Pondicherry, Tranquebar, and Ramnad, to Ceylon.

The lines already established have cost, upon an average, about £50 per mile. Besides their inappreciable value to the Government<sup>1</sup> for political and military purposes, they are freely used by the mercantile community. Though the charges are very moderate, the revenue, in the first year of working the lines, exceeded the expenses, and since then the receipts have been steadily increasing.

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## EDUCATION.

The first measures of the English Government for aiding education in India were directed to the preservation of Oriental learning from decay ; and several institutions, supported or endowed by Government, were maintained for that special purpose. A secondary object was the training for the service of Government, of men acquainted with the systems of law followed by the various religious communities,

Early  
Educational  
Proceedings.

and constituting on certain subjects the rule binding on our tribunals.

The views of the Government, however, gradually underwent a great change; and, partly from the spontaneous action of the Government, and its officers, partly by directions from home, the basis of the Government measures for promoting education was greatly widened, on the one hand by introducing the study of English into all the higher places of instruction under Government influence, and on the other by giving a much wider range and greater practical utility to the studies carried on in the vernacular or other Oriental languages.

Government  
Colleges.

All the Government educational institutions in Bengal have been either gradually brought within the scope of these principles, or were originally founded on them. Those institutions consisted, previously to 1854, of the Hooghly, Dacca, and Kishnaghur provincial colleges, with the schools attached to them: to these has since been added a college at Berhampore. At Calcutta itself, the Government contributed to the funds for the support of the Hindoo College and of the Mahomedan Madrissa, but there was no institution at the presidency town open to all classes and creeds, at which an education of a high order was imparted. This deficiency was supplied in 1854, an arrangement being made by which the Hindoo College, as an exclusive institution, was abolished, and a Presidency College established, calculated to afford an education of the highest order, and open without restriction to all sections of the community. The cost of this institution will amount to above £10,000, when all the arrangements shall be complete. It amounted in 1855-56 to between £7,000 and £8,000. In addition to general education, provision is made in this

institution for instruction in law and jurisprudence : medicine and civil engineering are otherwise provided for.

The Government colleges in the North-western Provinces consisted, in 1854, of those at Benares, Agra, Delhi, and Bareilly. In these, as at the Bengal colleges, education was imparted through the medium both of English and of the vernacular. The education given was of a very efficient character, and the students generally obtained employment in the service of Government, in which many of them fill situations of responsibility.

For a considerable period, the direct aid of Government to education, both in Bengal and in the North-western Provinces, was principally confined to the Government colleges, and to the schools which were attached or affiliated to them for the purpose of supplying them with students. In 1846, however, Mr. Thomason, the Lieutenant-Governor of the North-western Provinces, proposed a plan for the establishment throughout those provinces of a system of village schools, by means of an assignment of land by Government for the support of a schoolmaster in each village. In 1848 Mr. Thomason submitted amended proposals, confined to the establishment by Government of one school in each tehseel, as a model for the village schools, and the institution of a visiting agency, which, with a visitor-general at its head, should not only superintend the Government schools, but visit the village schools generally, for the purpose of assisting and aiding the masters, and rewarding the most deserving. The cost of this scheme, for all the districts of the North-western Provinces, was estimated at upwards of £20,000 ; but it was considered best to introduce the plan experimentally in eight districts,

Village  
Schools.

at a cost of £3,600 per annum (exclusive of the salary of the visitor-general): and this measure proved so successful in the selected districts, that its extension to all the thirty-one districts of the North-western Provinces was subsequently sanctioned, at a total cost of £17,207.

Hulkabundee  
or Circle  
Schools.

But valuable as were the general results of this scheme, and useful as were the tehseel schools to the inhabitants of the towns, the village schools (though the numbers attending them had considerably increased) did not improve as had been hoped; and a new plan was accordingly devised, with the best prospects of success, to meet the wants of the agricultural population. This is the establishment of hulkabundee or circle schools. Several villages conveniently situated for the purpose are grouped together, and in a central situation a school is established, at the joint cost of all the villages, none of which is more than two miles from the central school. For the support of these schools, the consent of landowners was sought to the appropriation of a small percentage on the amount of the Government revenue (one per cent being the amount fixed), of which half is contributed by Government and half by the landowners. The assent of the landowners to this plan has been obtained in many districts; and it will be made a condition of all future settlements, and has been so made as resettlements have taken place. It is estimated that when all the districts shall have been resettled (which will not be till 1874), £40,000 per annum will be thus available; of which £20,000 will be at the expense of Government, and £20,000 at that of the landowners.

In Bengal, the establishment of 101 vernacular schools had been authorized by the Government in 1844, shortly before the first proposals of Mr. Thoma-

son. The schools were established at the places where they were thought most likely to succeed ; but, except in a very few cases, they failed to attract scholars, the old indigenous schools, where nothing worthy of the name of education was afforded, proving more popular. In 1853 and 1854, accordingly, this system was superseded, in favour of the plan already adopted in the North-western Provinces, of a visitorial staff, model schools, and aid and encouragement to indigenous schools. The estimate for the plan, on the experimental scale proposed, amounted to about £7,000 per annum.

There was a normal school for the masters of vernacular schools at this time at Agra, which was working very well. At Calcutta, the Sanscrit College furnished a considerable number of masters suited for village schools. Schools  
for Teachers.

Thus stood the arrangements of the Government for native education in India, when a new impulse was given to the subject by the orders from home in 1854. Before advertng to these, something must be said of what had previously been done in the two subordinate presidencies.

The history of education at Madras, up to a recent period, presents little beyond a record of failures. A plan was proposed by Sir Thomas Munro in 1822, and approved by the home authorities, for the establishment of provincial, district, and tehseel schools, throughout the Presidency, at an estimated cost of £5,000 per annum. Schools were established, but they proved failures, and were abolished. The University of Madras was nominally established by Lord Elphinstone's Government; but in the only department of it which was really proceeded with—the lower department, or “High School”—the suc-

cess was by no means great, and the number of pupils was quite disproportionate to the expense. The whole subject of education came under reconsideration in 1852, when a plan was laid down by the Government, which provided for the education of all classes in a way very much in accordance with that which has since been laid down for adoption throughout India; comprising a central institution at the Presidency, provincial colleges or high schools, zillah and tehseelee schools, with a system of inspection or visitation, and grants in aid. The University at Madras was at once remodelled; but little progress had been made, up to 1854, in carrying out the other parts of the plan, beyond the establishment of provincial schools at Cuddalore and Rajahmundry.

Colleges and  
Schools in  
Western  
India.

The principal places of education in the Bombay Presidency are the Elphinstone Institution at Bombay, and the College at Poonah. These institutions, partly founded by native subscriptions and partly by the Government, were designed to afford a collegiate education of a high class, through the medium of the English language, a staff of professors being maintained for giving instruction in mathematics, English literature, natural philosophy, logic, mental and moral philosophy, political economy, &c. A high school was attached to the Elphinstone Institution, and a Sanscrit department to the Poonah College. In 1854-55 there was only one district of the Presidency in which there was not a Government English school. Vernacular schools had been established in many places at the expense of Government, but as the plan had not long been adopted of requiring any part of the cost to be defrayed from local resources, operations in this direction had been much limited by want of funds. Under a plan brought into operation shortly before

1854, the establishment of a school by Government was made conditional on a portion of the expense being defrayed by the inhabitants; and under this rule vernacular education was in course of steady extension up to 1854. A normal class for masters of Mahrattée schools existed at Poonah, and one for masters of Guzerattee schools at Surat.

It is now time to advert to the despatch from the home authorities of the 19th of July 1854, which was designed to give as great an additional impulse to the operations of Government in the promotion of education, as had already been given to the department of Public Works. This despatch directed that the previous Boards of Education, which consisted of private persons and of Government officers in their private capacity, should be abolished, and that a department of Education, under a director, should be appointed in each Presidency and sub-Presidency. The limits which had previously been placed upon the total expenditure of each Government for educational purposes, were removed. The establishment of universities at the Presidency towns was directed, and minute instructions were given respecting the mode of their constitution. A great extension of vernacular education was contemplated, and orders were given for introducing the system of grants in aid to private institutions, dependent on the quality of the secular instruction given, as ascertained by a Government inspection.

Education  
Despatch of  
1854.

Effect was immediately given to these instructions, so far as regards the formation of the controlling establishments. Directors of Public Instruction were appointed in Bengal, the North-western Provinces, Madras, Bombay, and the Punjab, and under them inspectors and sub-inspectors of different grades, and

Directors of  
Public  
Instruction.

Grants in  
aid.

in numbers proportioned to the territories to be superintended. Rules for regulating grants in aid have been laid down, and considerable grants have been made under all the Governments. The amount of these grants was at first limited by the authorities in India to a certain percentage on the expenditure on Government institutions; but this limit has been

Universities.

taken off by instructions from home. Universities have been constituted, under acts of the Legislature of India, at Calcutta, Madras, and Bombay. Measures are also in progress for carrying out the objects of the despatch of 1854, as regards vernacular education in Bengal, Madras, and Bombay. In the North-western Provinces it has only been necessary to give greater extension, as had been previously intended, to the measures already introduced.

Medical  
Schools and  
Colleges.

In addition to the institutions for giving a general education to the different classes of the community, either through English or the vernacular, colleges or schools for several branches of professional education are maintained at the different presidencies. Of the engineering colleges mention has already been made. Medical schools had from an early period been maintained at all the presidencies, to train persons for employment in the subordinate branches of the medical service, as compounders, dressers, native doctors, &c. These institutions were gradually raised in character, and for many years past have held the rank of colleges, in which medical education of a first-class character is afforded. They have, in consequence, received the "recognition" of the College of Surgeons in London; and the graduates of these colleges are entitled to all privileges which are conferred by the College of Surgeons on the members of the colonial medical institutions recognized by them.



The graduates almost invariably enter the service of Government, though some few, especially at Bombay, prefer private practice. To afford encouragement to the graduates of the colleges, and meet the want of well-qualified medical officers for the service of Government, a special native medical service has been created, under the title of Sub-Assistant Surgeons, for which a degree in one of the medical colleges of India is a necessary qualification. These officers are divided into three grades, promotion being regulated by the joint consideration of length of service and professional qualification, as ascertained by special examination. The principal use which has been made of this class, has been in connection with the Government dispensaries; but some few have been appointed to the charge of the smaller stations. Their professional qualifications are, in many cases, of a high order; and the triumph which has been effected over the religious prejudices of the natives, in popularizing the dissection of dead bodies, is a proof that this indirect mode of correcting their superstitions, by the influence of useful knowledge, is a highly effectual one.

Native  
Medical  
Service.

The important subject of school books has been for many years attended to. In the North-western Provinces a very large number of vernacular books, either originals or translations, have been prepared under the auspices of the Director of Education; and a highly efficient system is in force for their sale and distribution among the schools of all classes. At Calcutta and Bombay, much has also been done; and arrangements have more recently been made for the supply of school books in the difficult vernacular languages of the Madras Presidency.

School  
Books.

As a powerful stimulus to the general popula-

**Educational Test for Public Employment.** tion to avail themselves of the means of education now placed so generally within their reach, rules have been laid down absolutely requiring a certain amount of education in all persons employed in the public service, except in situations of the lowest class. Even for those lower employments, the officers intrusted with the appointments are expected to select persons capable of reading and writing, provided they are qualified in other respects; and returns are required, under most of the Governments, of appointments made, with special reference to this point.

**Female Education.** An inroad has begun to be made upon native prejudices even in the department of female education. The late Mr. Drinkwater Bethune benevolently established a school for Hindoo girls at Calcutta, which, after his death, was adopted by the Marchioness of Dalhousie, supported by the Marquis of Dalhousie until he left India, and is now maintained as a Government institution under the special orders of the home authorities.

A highly satisfactory commencement of female education in the North-western Provinces was made in 1856, by the exertions of a meritorious native functionary, the sub-inspector of schools, Pundit Gopal Sing. By his influence ninety-seven female schools were established in the city and district of Agra, and each school was attended on an average by twenty pupils. The good example has been followed by the formation of female schools in the zillahs of Muttra and Mynpooree. In the Bombay Presidency, schools for females have been established by natives at Poonah, which are stated to be in satisfactory operation; and some native ladies of wealth and influence at Ahmedabad have lately endowed a female school at that city.

Female education is included within the operations of the enlarged Government scheme of education, and it is hoped that progress will be gradually made in its diffusion.

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### MISCELLANEOUS IMPROVEMENTS.

Various important measures have been adopted within the last twenty years, both for the improvement of the productions of India and for the introduction of new products.

In 1840, ten experienced cotton-planters from the United States were engaged, and proceeded to India to conduct, on account of Government, the experimental cultivation of superior kinds of cotton. In the majority of the districts the experiment failed from unsuitability of climate, but in parts of South-western India it was successful, and a large cultivation of American cotton in those districts now takes place. It is to be remarked that these districts are near the coast, and united with it by improved roads; and, indeed, with the exception of Berar (into the heart of which a line of railway will shortly be carried), all the principal cotton districts of India have ready access to water-carriage, and are not materially impeded by the remaining imperfections of the internal communications.

Cotton  
Experiments.

A most complete body of information on the cotton cultivation of India, and on the suitableness of the various local soils and climates to the cultivation both of the native and the foreign varieties of the plant, has been obtained through the exertions of the

American planters and of the servants of Government, and has been condensed and made public in the two works entitled, "On the Culture and Commerce of Cotton in India," and "Review of the Measures which have been adopted in India for the improved Culture of Cotton," by an eminent officer of the East-India Company, the late lamented Dr. Royle; so distinguished as a man of science, and whose thorough knowledge and understanding both of the Indian climates, and of general climatology in its relation to vegetable productions, has never been excelled, if equalled.

Indian  
Fibrous Pro-  
ductions.

The same eminent authority, in his work entitled, "The Fibrous Productions of India," has made known an amount of internal resources, of the greatest value to this country (especially in the contingency of a Russian war), of which no one, even of those who had the strongest private interest in the subject, had a suspicion. The collection of raw products, brought together from all parts of India for the Paris Exhibition of 1855, has vastly extended the knowledge accessible to manufacturers and merchants, of the numerous articles suited to the European market, and capable of being imported in any quantity, which only await the necessary attention and the necessary funds on the part of enterprising individuals. An Industrial Museum has recently been formed at the India House for the reception of these and other choice specimens of Indian produce and manufactures.

Tea  
Cultivation.

The Assam tea has been brought into regular cultivation; and the teas of China have been introduced as a staple product of agriculture, at the expense of Government, into the parts of the Himalayas which are suitable in point of climate. Mr. Fortune was employed in China to obtain a large quantity of the best seeds, and to engage Chinese experienced in the

growth and preparation of the article. There is already a considerable production of the higher qualities of tea in these mountains ; large tracts of waste land suited to the cultivation are now placed at the disposal of persons desirous of engaging in it, and seeds and plants are given largely and gratuitously from the Government experimental establishments, to all who apply for them with a view to cultivation.

The Indian Governments have long been active in placing the means of medical relief within reach of the population. The rules in force provide for the establishment of a civil hospital or a dispensary, in every town the inhabitants of which have shown their appreciation of the benefit by either providing funds for the erection of a building, or contributing towards the support of the necessary establishments, or by having for some time actually supported a dispensary on a limited scale from their own resources. These institutions are mostly managed by natives trained at the medical colleges ; a general superintendence resting with the civil surgeons of the different stations. Their success has been very great. The number of hospitals and dispensaries, and of the patients treated in them, during the last year for which returns have been received, was as follows :—

|                      | Number of<br>Institutions. | Number of<br>Patients. |
|----------------------|----------------------------|------------------------|
| Bengal ... ..        | 43                         | 153,161                |
| North-west Provinces | 47                         | 245,171                |
| Madras ... ..        | 35                         | 184,069                |
| Bombay ... ..        | 17                         | 88,793                 |
|                      | <hr/> 142                  | <hr/> 671,194          |

Measures have also been taken for many years, and with much success, for the diffusion of vaccination,

Hospitals  
and  
Dispensaries

Vaccination

not only in the British territories, but also in the native states.

Libraries.

Of late years, the establishment of public libraries in the provincial towns has been commenced. The assistance of Government is usually given in the form of a donation of books, and a regular supply of the publications issued by Government, which now include all the most interesting and important papers on the public records, relating to the condition and administration of the country.

Improvement  
of Native  
States.

Independently of what has been done for the benefit of our own subjects, much has also been effected, through the influence of the British Government and its diplomatic officers, to improve the administration of native states. It is hardly possible to exaggerate the disorder and confusion in which most of these were plunged at the time when they first became connected with the British Government. Those among the Mahratta states which had any considerable military strength, made annual expeditions, called Mooluckgheery circuits, for the purpose of conquering or devastating the possessions of their weaker neighbours; and hordes of undisciplined adventurers, known by the name of Pindarries, ranged with fire and sword from one end to the other of the part of India which was under native rule, occasionally invading and ravaging even the British possessions. All this is at an end. The native states are as safe from one another, and from invaders and plunderers from without, as the British dominions. The princes and chiefs are bound by treaties to refer to our arbitration all their differences; and experience has given them the fullest reliance on our impartiality and justice. Boundary disputes between villages of different states, and complaints from the subjects of

one against those of another for robberies or other injuries, are adjudicated either by a British officer, or by Courts of Vakeels, composed of representatives of the neighbouring chiefs, presided over by a British functionary. In some parts of India, and particularly of Guzerat, which are divided among a great number of petty chiefs, too weak or too little civilized to control effectually their turbulent subjects, Criminal Courts have been established, consisting of a British diplomatic officer and assessors selected from among the native chiefs or nobles, for the trial of offences against the general peace of the country. These courts are a powerful agent of civilization. They are gradually weaning a very backward portion of the natives of India from their barbarous usages. They have nearly suppressed all the classes of crimes which arose out of a generally disturbed state of society; and in dealing with offences which originate in real or supposed grievances, they make due allowance for provocation, and redress the wrongs even of those whom they are obliged to punish for seeking justice by unlawful means. In the more considerable native states, our influence is exerted on the side of good, in every mode permitted by positive engagement. Not only have the British representatives incessantly, and to a great degree successfully, incited native princes to prohibit and suppress the barbarous usages which we have ceased to tolerate in our own territories; but defects have been pointed out, and improvements suggested, in their revenue and judicial administrations. Financial disorder and general misgovernment have been the subject of grave remonstrance, followed up by such positive marks of displeasure as were consistent with the respective treaties. The minorities, which so often occur in native states, have been made use of

to appoint capable ministers, to reform abuses, and restore the country in an improved condition to the young chiefs; who, having been in the mean time for the most part educated in European knowledge, and initiated into public business under the eye of a British officer, are often grateful for the care taken of their interest, and continue, after their accession to power, the improved systems commenced during their minority. The present Scindia and Holkar, and the Rao of Kutch, as well as many others, may be cited as instances. One native ruler, the late Nuwab of Rampore, had actually been a deputy-collector in the service of the British Government. Another, the Rao of Ulwur, on his accession, invited some of our native functionaries to conduct his administration, and reform it after the English model. The Rajpoot states, formerly almost in a state of chronic anarchy, have been rendered peaceful and prosperous, by judicious mediation between the princes and their feudatories, and judicious guidance of both, through advice and influence.

Protection  
and  
Improvement  
of the  
Oppressed  
Races.

There still remain to be commemorated a set of proceedings, among the most interesting and the most honourable to our Government, which have distinguished the present century—the measures for raising and civilizing the oppressed races.

There are numerous hill tribes in various parts of India, known under the names of Bheels, Coolies, Goands, Mhairs, Meenas, Mhangs, Ramoosees, and others, who are believed to have been the aboriginal population of the country, driven from the plains by the invasion of the Hindoos. These people had been treated like wild beasts by the native Governments, and, by a natural consequence, had become the scourge of the country. Whenever the Government



was weak, they destroyed all security in the neighbouring plains by their depredations, and had universally acquired the character of irreclaimable robbers.

The first person who is known to have tried the effect of justice and conciliation on any of these tribes, was Mr. Cleveland, an officer high in the civil service of the Company, in the latter part of the last century. The scene of his benevolent exertions was the Bhaugulpore Hills, in the north-east of Bengal; and the feelings which he left behind him among the rude people of the district were such, that they long continued to pay religious honours to his tomb. The example thus set has been largely followed in the present generation. One of the first signal instances of success was in the case of the Mhairs, who inhabit a hill district near Ajmere. Colonel Hall, now on the Company's retired list, originated the movement, and it was worthily carried on by Colonel Dixon, recently deceased. In Western India, the honour of the initiative belongs to Mr. J. P. Willoughby, then a very young officer, who by similar means established peace and order among the Bheels of Rajpeepla, a wild district of Guzerat. The next instance was that of the Bheels of the Adjunttee range, in Southern Candeish, through the agency chiefly of Colonel Ovens, and of the present Sir James Outram; and the measures which proved successful with these Bheels, were successively extended to many similar tribes in different parts of Central India. Another example is that of the Khoonds in Orissa, among whom a policy of the same general character was carried into practice by Major Macpherson. This was the tribe who, as mentioned in a previous part of the present paper, have been induced to abolish human sacrifices.

The mode in which these objects were accom-

plished was in all cases fundamentally the same. They were effected by the admirable power of individual character. Into fastnesses, through which bodies even of disciplined troops had vainly endeavoured to force their way, these officers penetrated, in some cases almost unattended. They trusted themselves to the people. By their courage and frankness they gained their confidence. They made them understand that they were not considered as wild animals to be hunted down; that nothing but their good was intended; and the object which had for years been vainly sought by force, was accomplished by explanation and persuasion. The robber tribes were induced to settle as peaceful cultivators. Lands were assigned to them, tools supplied, and money advanced, for cultivation. In Mhairwarra the Government also constructed important works of irrigation. The more daring spirits were formed into irregular corps, under British officers, and employed to preserve the peace of the districts of which they had once been the principal disturbers. In no single instance has this policy failed. The agricultural colonies composed of these people have all prospered, and the districts which they formerly devastated have become, and remained, among the most free from crime to be found in India. In the late disturbances, not one of the corps composed of these people is known to have mutinied. The Mhairwarra battalion has not only remained faithful, but is, in the present crisis, a valuable part of our local military strength; and there has been no disturbance whatever in that district. Among the Bheels of Candeish there has been a rising, which, by showing that the predatory spirit is not yet thoroughly extinct, enhances the merit of the system of measures by which, for nearly a quarter of a century, it has been

kept dormant. But the corps formed from among these very people by Sir James Outram has done useful service to Government in the present emergency.

The last great example of the success of this policy was given by Colonel John Jacob in Sind, and only differs from the others because the tribes with whom he had to do were not oppressed aborigines, but the proud and warlike mountaineers of the Afghan and Beloochee frontier. The success has been among the most striking yet experienced. For some time after the conquest of Sind, the frontier forays of these tribes kept the country in a perpetual state of disturbance. The attempts to retaliate on them in their hills had been failures, sometimes almost disasters, but had laid the foundation of that knowledge of our power, which enabled subsequent conciliatory measures to have their full effect. Colonel Jacob applied to these people the principles of Mhairwarra and Candeish. He settled on land those who were willing to cultivate, and organized from among the remainder a local military police. The effect is, that in the frontier districts, what was lately a desert waste, is now in great part a thriving agricultural country, yielding a rapidly increasing revenue. For some years there has been scarcely a crime of magnitude on the entire Sind frontier; and the corps which was raised partly from the former devastators of the country, is the celebrated Jacob's Horse.

The preceding review of the improvements in Indian administration, completed or commenced during the present generation, cannot more properly terminate than with this interesting piece of history. It is not pretended that the enumeration approaches to completeness. The instances given are merely some of

the most important achievements of a Government, of which perpetual striving towards improvement is the vital principle. But it is believed that even so imperfect a summary is sufficient to justify the assertion, that few governments, even under far more favourable circumstances, have attempted so much for the good of their subjects, or carried so many of their attempts to a successful and beneficial issue. A Government of foreigners, over a people most difficult to be understood, and still more difficult to be improved,—a Government which has had all its knowledge to acquire, by a slow process of study and experience, and often by a succession of failures (generally, however, leading to ultimate success)—has a right to take pride to itself for having accomplished so much ; and most certainly cannot be justly reproached, by any existing Government or people, with not having effected more.

The Board of Revenue, Lower Provinces, state that "it is quite clear that the value of the survey records as a basis for butwarrah and settlement proceedings is generally acknowledged. In some districts, butwarrah is applied for without any new measurement, solely on the data furnished by the survey. Their utility in the decision of boundary disputes, also, is universally admitted." In regard to the effect of the survey on the repression of affrays, the Board quote the opinion of Mr. Elliott, Commissioner of Burdwan, that, "by removing the cause of affrays, the survey cannot fail to produce an effect greater even than the most stringent legislation."

In the province of Cuttack (not permanently settled) the survey and settlement operations were combined, and there "the improvement is very perceptible. In Cuttack\* the value of landed property is said to have increased twenty-five per cent., and fifty per cent. in Balasore;\* but Pooree,\* owing to frequent droughts and inundations, is an exception." "The survey," the Commissioner (of Cuttack) remarks, "is worth much more to Government and the people than it has cost."

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## APPENDIX (B).

### SURVEY AND ASSESSMENT OF THE NORTH-WESTERN PROVINCES.

The objects of the survey were, first, to fix on each mehal or estate an assessment "calculated so as to leave a fair surplus profit;" and "for the punctual payment of that sum, the land is held to be perpetually hypothecated to the Government;" secondly, to determine who are the "person or persons entitled to receive this surplus profit. The right thus determined is declared to be heritable and transferable, and the persons entitled to it are considered the proprietors of the land, from whom the engagements for the annual payment of the sum assessed by Government on the mehal

\* The three collectorates of the province of Cuttack proper.

“are taken.” The proprietors, when there are more than one, being jointly and severally responsible for the sum assessed on each mehal, it also became necessary to determine the rule according to which they should share the profits, or make good the losses on the estate. When the proprietors were numerous, as was generally the case, engagements were taken only from a few of the body (lumberdars) who, for themselves and their co-proprietors, undertook to manage the mehal, and pay the sum assessed on it.

The first step in the process was to adjust the boundaries of each mouzah, or village, and to prepare a map, showing each field comprised in the mouzah. This being completed, the settlement officer proceeded to determine the assessment to be fixed on the land, by estimating, with as near an approach to accuracy as the means at his disposal would permit, what might be expected to be the net produce\* to the proprietor during the period of settlement; and of this amount about two-thirds was fixed as the demand of Government. The village was then offered on these terms to the proprietors, and if they considered them too high, and declined to engage, the Government either leased the estate to a farmer, or collected the rents direct from the cultivators; the excluded proprietors being entitled to a percentage (called *malikana*) at not less than five per cent on the revenue, and also having the right, at the expiration of twelve years, of claiming to be readmitted to the management.

The fiscal operation of fixing the amount of revenue to be paid by the village being completed, the next process was to ascertain and record the rights possessed by all parties, whether called proprietors or not. When discordant claims were put forward, the question at issue was determined judicially on the spot. Provision is also made for maintaining the “Record of Rights” in a correct condition, by causing registers of all changes in the village to be kept by the put-warree, or village accountant, copies of which are annually forwarded to the collector’s office.

\* “By net produce is meant the surplus which the estate may yield after deducting the expenses of cultivation, including the profits of stock and wages of labour.”

## APPENDIX (C).

## SURVEY AND ASSESSMENT OF THE BOMBAY TERRITORY.

The first step in the process is to determine the boundaries of the village. The area is then measured and mapped off into survey-fields. If the land is unoccupied, no division of a field is afterwards permitted. When a survey-field actually occupied is owned by several proprietors or sharers, no joint responsibility is admitted, but the sharers of each are separately shown in the map, and the separate proprietorship continues until one of the sharers dies without heirs, or otherwise vacates his share; on which event the vacated share must be taken up by the remaining sharers, or, on their refusal, the whole field must be relinquished. The object of these rules is to consolidate the small holdings, and set limits to the minute subdivision of landed property naturally arising from the Hindoo law of inheritance. But it is believed that, in practice, no difficulty has in such cases been found in inducing the remaining sharers to undertake the responsibility.

The fields of the village being thus measured and mapped, the next process is that of classification, for the purpose of determining the relative values of the fields into which the land is divided. After a minute examination of the physical characters of the soil, its depth, composition, &c., the following considerations are taken into account as regards the fields of the same village; viz. "their natural productive capabilities; their position with respect to the village, as affording facilities or otherwise for agricultural operations; and, in the case of garden or rice lands, the supply of water for irrigation."

The measurement of the fields having been completed, and their classification determined, the amount of the assessment is next to be fixed. This operation is not performed by inquiring into the actual produce of the fields, but rather by an examination into the previous fiscal history of such groups of villages as are distinguished by similar physical characteristics. The statements of former collections, remissions, and

balances, are collated, and compared with the existing rates of assessment. The "climate, position with respect to markets, agricultural skill, and the actual condition of the cultivators," are taken into account; and from a consideration of these combined circumstances, rates are determined for each class of land; the object being to keep those rates within the limit of the natural rent.

The rates, being thus fixed, have only to be applied to the surveyed fields. Thus a field of eight acres, in a class rated at twelve annas an acre, is assessed at six rupees. The assessment thus fixed is declared to be not liable to increase for "thirty years, during which period the full benefit of every improvement, such as the conversion of dry into irrigated land by the digging of wells and tanks, the planting of fruit-trees, &c., will be secured to the incumbent of the land, and no extra assessment levied on that account."

The registered occupiers of fields are held to be the proprietors, so long as they pay the fixed assessment. They have full liberty annually to resign any portion of their holdings, or to increase them by the occupation of waste fields, on giving due notice, and are thus enabled to extend or contract their cultivation according to their means of tillage. In either case, they are responsible only for the assessment of the fields which they actually hold, those relinquished by them being at the disposal of Government, to assign to any one willing to engage for them.

The annual settlement, as it is called, which still takes place in the surveyed districts of the Bombay Presidency, is now limited to an inspection of the fields by the village officers, to ascertain how many are cultivated and how many not. All those that are engaged for, whether cultivated or not, are liable to the payment of the assessment, and those not engaged for, if cultivated, are also liable. The plan of giving remissions for failure of crops, for lands taken but unsown, &c., is abolished; and it is now expressly made known that remissions are not claimable in individual cases, and will never be allowed unless under circumstances of calamity affecting whole districts.



## APPENDIX (D).

EXEMPTION OF LANDS IMPROVED BY THE RYOTS FROM  
EXTRA ASSESSMENT.

The general rule in force for many years in the Madras Presidency, was to make, in each case of a ryot improving his lands by digging a well or otherwise, an arrangement under which no increase of assessment was imposed until the expiration of a term sufficiently long, not only amply to compensate, but liberally to reward him for the labour and expenditure he might have applied.

After considerable correspondence, however, the Court of Directors determined (2nd June 1852) “to allow to the ryots “the full benefit of their own improvements; the land so “improved being subjected to no additional assessment on that “account, so long as the general rates of the district remain “unaltered.”

The Circular Order of the Madras Government, publishing this rule, and announcing that in any general revision of the rates, “any modification in the assessment of lands so “improved will be irrespective of the increased value conferred upon them by their holders,” was approved by the Court on the 20th April 1854.

A rule proposed by the Board of Revenue, requiring ryots proposing to sink wells, to give notice to the collector, was disallowed, as tending “to cause delay and obstruction, “and to give an opening for exaction to the native servants.”

## APPENDIX (E).

## SALT REVENUE.

The system actually in operation throughout India is as follows, viz. :—

*Lower Provinces of Bengal.*—Rate of duty  $2\frac{1}{2}$  rupees

per maund of 82½ lbs. avoirdupois; Government salt sold to the people at cost price added to the duty; importation unrestricted, and facilities given to persons willing to manufacture salt under excise regulations.

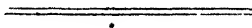
*North-western Provinces.*—Manufacture (from saliferous earths) prohibited. Duty on passing the frontier line, Rs. 2 per maund, and 8 annas additional on crossing the Allahabad special line of chokeys.

*Punjab.*—Salt-mines worked by the Government, and the salt sold at the mines at Rs. 2 per maund.

*Fort St. George.*—The manufacture of salt a Government monopoly, the price charged to purchasers being one rupee per maund. Importation permitted, on payment of a duty of 14 annas (seven-eighths of a rupee) per maund, supposed to be equivalent to the profit obtained on the monopoly of salt.

*Bombay.*—No manufacture on the part of Government. An excise duty of 12 annas per maund levied on home-made salt, and a customs duty of equal amount on imported salt.

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# CORRESPONDENCE

BETWEEN THE

Court of Directors of the East-India Company

AND

HER MAJESTY'S GOVERNMENT,

AND

THE PETITION OF THE EAST-INDIA COMPANY

TO PARLIAMENT.



## CORRESPONDENCE.

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LETTER *from the* CHAIRMAN *and* DEPUTY CHAIRMAN *of the* EAST-INDIA COMPANY *to the Right Honourable* LORD PALMERSTON, K.G.

*East-India House,  
December 31, 1857.*

MY LORD,—

IT has been our duty to communicate to the Court of Directors and to the Court of Proprietors the intimation which your Lordship has made to us, of the intention of her Majesty's Government to propose to Parliament a Bill for the purpose of placing the Government of Her Majesty's East-India dominions under the direct authority of the Crown.

The contemplated change involves of necessity the abolition, as an instrument of Government, of the East-India Company, the body, by whom, and at whose sole expense, without any demand on the national exchequer, the British empire in India has been acquired, and is maintained; and although the Court of Directors have not been furnished with information as to the grounds on which Her Majesty's Ministers have arrived at their determination, or as to the details of the scheme by which it is proposed to supersede the existing Home Government of India, they, nevertheless, feel it due to themselves, and to the constituent body which they represent, to lose no time in offering a few observa-

tions which immediately suggest themselves; and they are persuaded that a frank expression of their sentiments cannot be otherwise than acceptable to Her Majesty's Ministers, in their further consideration of this important subject.

The Court were prepared to expect that a searching inquiry would be instituted into the causes, remote as well as immediate, of the mutiny of the Bengal native army. They have themselves issued instructions to the Government of India to appoint a commission in view to such an inquiry; and it would have been satisfactory to them, if it had been proposed to Parliament not only to do the same, but to extend the scope of inquiry to the conduct of the Home Government, for the purpose of ascertaining whether the mutiny could, wholly or partially, be ascribed to mismanagement on the part of the Court, acting under the control of the Board of Commissioners. But it has surprised the Court to hear, that Her Majesty's Government, not imputing, so far as the Court are informed, any blame to the home authorities in connection with the mutiny, and without intending any inquiry by Parliament, or awaiting the result of inquiry by the Local Government, should, even before the mutiny was quelled, and whilst considerable excitement prevailed throughout India, determine to propose the immediate supersession of the authority of the East-India Company, who are entitled at least to the credit of having so administered the Government of India, that the heads of all the native States, and the mass of the population, amidst the excitement of a mutinous soldiery, inflamed by unfounded apprehensions of danger to their religion, have remained true to the Company's rule.

The Court would fail in their duty to your Lordship and to the country, if they did not express their serious apprehension that so important a change will

be misunderstood by the people of India. The Court are by no means insensible to the value attached to the name of the Crown. But the Company are already trustees for the Crown, and the announcement of a great change in the system of government which has existed from the first moment of our possession of India is calculated to excite alarm, the more especially if inaugurated at a time when the Government on the spot finds it difficult to give free action to the retributive justice so eminently due to the guilty, without endangering the innocent, and also when public opinion in this country has been so excited as to press for the abandonment of the policy which the Company have strictly observed, of abstaining from all authoritative interference with such of the religious customs and prejudices of the natives as are not abhorrent to humanity.

The Court submit that, if any such change as that which your Lordship has indicated be thought desirable, it should be introduced in a time of tranquillity, when the circumstances of India and its population could be regarded without prejudice and with calm and deliberate consideration, and when it would not, in the minds of the natives, be directly connected with the recent calamitous events.

In approaching the question of the necessity for making a change, we are requested to state, that the Court would most gladly co-operate with Her Majesty's Government in introducing any reforms into the existing system which might tend to greater simplification and promptitude, with equal security. The Court have always shown themselves ready to acquiesce in any changes which were deemed likely to prove conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They need only refer to their partial relinquishment of trade in 1813; to its total abandonment, and the placing of



the Company's Commercial Charter in abeyance, in 1833; to the transfer then to India of all their large commercial assets, and of their undoubted territorial claims and possessions; and, more lately, to their concurrence in the measure by which their body was reconstituted, and reduced to its present number. Although four years have not yet elapsed since the last change, yet the Court, animated by the same anxiety for the welfare of India, would be prepared without a murmur to relinquish their trust altogether, if satisfied that a system could be devised better calculated than the present to advance the interests of the British Empire there. They would, however, remark, that, in the inquiry which took place in 1852 and 1853, before the legislation of the latter year, the question of the constitution and working of the Home Government was thoroughly sifted, and completely exhausted, and that, therefore, it was not unreasonable to expect that the arrangement of 1853 would have been subjected to the test of a more lengthened experience. The details of the measure which Her Majesty's Government have in contemplation have not yet been made known to the Court. They trust that it will not be attempted to administer the government by means of a single functionary. Such a proposal would, in their judgment, involve a practical impossibility. The mass of business perpetually arising requires much knowledge, long experience, and a division of labour; and, so far as the Court can form an opinion, the duties would not be safely discharged if subject only to the check of Parliament.

The Court are aware that the double government of the Company and the Board of Control is deemed to be objectionable, but whatever may be its defects, and although its working may be clogged by a control of all the details so minute as hardly to have been contemplated by the Legislature, yet in

its results they sincerely believe that the system, possessing as it does a moral check, works on the whole advantageously for India. The Court do not deny that the system is susceptible of improvement, but they think it important to bear in mind that there can be no effective check without a second authority of some kind; and further, that the objection which is taken to the principle of double government, is more nominal than real in the case of the Company, whose duties are rather those of a deliberative than of an executive body.

It is the opinion of the Court that an intermediate, non-political, and perfectly independent body, in concurrence with Her Majesty's Government, is an indispensable necessity, without which there can be no adequate security for good government; and as at present advised, the Court do not see that it will be possible to form such a body, if its members are to be wholly nominated by the Crown. They abstain, however, from offering any further observations to your Lordship, until they are placed in possession of the details of the proposed measure, which they trust may be communicated to them at the earliest possible period.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble  
Servants.

(Signed) ROSS D. MANGLÈS.

F. CURRIE.

The Rt. Hon VISCOUNT PALMERSTON, K.G.,

&c.            &c.            &c.

LETTER *from the Right Hon.* LORD PALMERSTON  
to the CHAIRMAN and DEPUTY-CHAIRMAN of the  
EAST-INDIA COMPANY.

94, Piccadilly,  
18th January, 1858.

GENTLEMEN :—

I have had the honour of receiving your joint letter of the 31st of December upon the subject of the measure which it is the intention of Her Majesty's Government to propose to Parliament with reference to the future system to be established for the government of India; and I beg to assure you that the observations and opinions which you have therein expressed will be duly considered by Her Majesty's Government.

I forbear from entering at present into any examination of those observations and opinions; first, because any correspondence with you on such matters would be most conveniently carried on through the usual official channel of the President of the India Board; and secondly, because the grounds on which the intentions of Her Majesty's Government have been formed, and the detailed arrangements of the measure which they mean to propose, will best be explained when that measure shall be submitted to the consideration of Parliament.

I have the honour to be,

GENTLEMEN,

Your obedient servant,

(Signed) PALMERSTON.

R. D. MANGLES, Esq.  
Sir FREDERICK CURRIE.  
&c. &c.

THE PETITION OF THE EAST-INDIA  
COMPANY.

*To the Right Honourable the Lords Spiritual and  
Temporal, and the Honourable the Commons of  
the United Kingdom of Great Britain and Ire-  
land, in Parliament assembled,*

HUMBLY SHEWETH,

That your Petitioners, at their own expense, and by the agency of their own civil and military servants, originally acquired for this country its magnificent empire in the East.

That the foundations of this empire were laid by your Petitioners, at that time neither aided nor controlled by Parliament, at the same period at which a succession of administrations under the control of Parliament were losing to the Crown of Great Britain another great empire on the opposite side of the Atlantic.

That during the period of about a century which has since elapsed, the Indian possessions of this country have been governed and defended from the resources of those possessions, without the smallest cost to the British Exchequer, which, to the best of your Petitioners' knowledge and belief, cannot be said of any other of the numerous foreign dependencies of the Crown.

That it being manifestly improper that the admi-

nistration of any British possession should be independent of the general Government of the empire, Parliament provided, in 1783, that a department of the Imperial Government should have full cognizance of, and power of control over, the acts of your Petitioners in the administration of India; since which time the home branch of the Indian Government has been conducted by the joint counsels, and on the joint responsibility of your Petitioners and of a Minister of the Crown.

That this arrangement has at subsequent periods undergone reconsideration from the Legislature, and various comprehensive and careful Parliamentary inquiries have been made into its practical operation; the result of which has been, on each occasion, a renewed grant to your Petitioners of the powers exercised by them in the administration of India.

That the last of these occasions was so recent as 1853, in which year the arrangements which had existed for nearly three-quarters of a century, were, with certain modifications, re-enacted, and still subsist.

That, notwithstanding, your Petitioners have received an intimation from Her Majesty's Ministers of their intention to propose to Parliament a Bill for the purpose of placing the government of Her Majesty's East-Indian dominions under the direct authority of the Crown,—a change necessarily involving the abolition of the East-India Company as an instrument of government.

That your Petitioners have not been informed of the reasons which have induced Her Majesty's Ministers, without any previous inquiry, to come to the resolution of putting an end to a system of administration, which Parliament, after inquiry, deliberately confirmed and sanctioned less than five

years ago, and which, in its modified form, has not been in operation quite four years, and cannot be considered to have undergone a sufficient trial during that short period.

That your Petitioners do not understand that Her Majesty's Ministers impute any failure to those arrangements, or bring any charge, either great or small, against your Petitioners. But the time at which the proposal is made, compels your Petitioners to regard it as arising from the calamitous events which have recently occurred in India.

That your Petitioners challenge the most searching investigation into the mutiny of the Bengal army, and the causes, whether remote or immediate, which produced that mutiny. They have instructed the Government of India to appoint a commission for conducting such an inquiry on the spot. And it is their most anxious wish that a similar inquiry may be instituted in this country by your [Lords] Honourable House; in order that it may be ascertained whether anything either in the constitution of the Home Government of India, or in the conduct of those by whom it has been administered, has had any share in producing the mutiny, or has in any way impeded the measures for its suppression; and whether the mutiny itself, or any circumstance connected with it, affords any evidence of the failure of the arrangements under which India is at present administered.

That, were it even true that these arrangements had failed, the failure could constitute no reason for divesting the East-India Company of its functions, and transferring them to Her Majesty's Government. For, under the existing system, her Majesty's Government have the deciding voice. The duty imposed upon the Court of Directors is to originate measures and frame drafts of instructions. Even

had they been remiss in this duty, their remissness, however discreditable to themselves, could in no way absolve the responsibility of Her Majesty's Government, since the Minister for India possesses, and has frequently exercised, the power of requiring that the Court of Directors should take any subject into consideration, and prepare a draft despatch for his approval. Her Majesty's Government are thus in the fullest sense accountable for all that has been done, and for all that has been forborne or omitted to be done. Your Petitioners, on the other hand, are accountable only in so far as the act or omission has been promoted by themselves.

That, under these circumstances, if the administration of India had been a failure, it would, your Petitioners submit, have been somewhat unreasonable to expect that a remedy would be found in annihilating the branch of the ruling authority which could not be the one principally in fault, and might be altogether blameless, in order to concentrate all powers in the branch which had necessarily the decisive share in every error, real or supposed. To believe that the administration of India would have been more free from error had it been conducted by a Minister of the Crown without the aid of the Court of Directors, would be to believe that the Minister, with full power to govern India as he pleased, has governed ill because he has had the assistance of experienced and responsible advisers.

That your Petitioners, however, do not seek to vindicate themselves at the expense of any other authority. They claim their full share of the responsibility of the manner in which India has practically been governed. That responsibility is to them not a subject of humiliation, but of pride. They are conscious that their advice and initiative have been, and have deserved to be, a great and potent element

in the conduct of affairs in India. And they feel complete assurance that the more attention is bestowed and the more light thrown upon India and its administration, the more evident it will become that the government in which they have borne a part has been not only one of the purest in intention, but one of the most beneficent in act, ever known among mankind; that, during the last and present generation in particular, it has been, in all departments, one of the most rapidly improving governments in the world; and that, at the time when this change is proposed, a greater number of important improvements are in a state of more rapid progress than at any former period. And they are satisfied that whatever further improvements may be hereafter effected in India can only consist in the development of germs already planted, and in building on foundations already laid, under their authority, and in a great measure by their express instructions.

That such, however, is not the impression likely to be made on the public mind, either in England or in India, by the ejection of your Petitioners from the place they fill in the Indian administration. It is not usual with statesmen to propose the complete abolition of a system of government, of which the practical operation is not condemned, and it might be generally inferred from the proposed measures, if carried into effect at the present time, that the East-India Company, having been intrusted with an important portion of the administration of India, have so abused their trust as to have produced a sanguinary insurrection, and nearly lost India to the British empire; and that having thus crowned a long career of misgovernment, they have, in deference to public indignation, been deservedly cashiered for their misconduct.

That if the character of the East-India Company



were alone concerned, your Petitioners might be willing to await the verdict of history. They are satisfied that posterity will do them justice. And they are confident that even now justice is done to them in the minds, not only of Her Majesty's Ministers, but of all who have any claim to be competent judges of the subject. But though your Petitioners could afford to wait for the reversal of the verdict of condemnation which will be believed throughout the world to have been passed on them and their government by the British nation, your Petitioners cannot look without the deepest uneasiness at the effect likely to be produced on the minds of the people of India. To them, however incorrectly the name may express the fact, the British Government in India is the Government of the East-India Company. To their minds the abolition of the Company will, for some time to come, mean the abolition of the whole system of administration with which the Company is identified. The measure, introduced simultaneously with the influx of an overwhelming British force, will be coincident with a general outcry, in itself most alarming to their fears, from most of the organs of opinion in this country as well as of English opinion in India, denouncing the past policy of the Government on the express ground that it has been too forbearing and too considerate towards the natives. The people of India will at first feel no certainty that the new Government, or the Government under a new name, which it is proposed to introduce, will hold itself bound by the pledges of its predecessors. They will be slow to believe that a Government has been destroyed only to be followed by another which will act on the same principles and adhere to the same measures. They cannot suppose that the existing organ of administration would be swept away without the intention of reversing any part of its policy. They will see the authorities, both at home and in India, surrounded by persons vehe-

mently urging radical changes in many parts of that policy. And interpreting, as they must do, the changes in the instrument of government, as a concession to these opinions and feelings, they can hardly fail to believe that, whatever else may be intended, the Government will no longer be permitted to observe that strict impartiality between those who profess its own creed and those who hold the creeds of its native subjects which hitherto characterized it; that their strongest and most deeply-rooted feelings will henceforth be treated with much less regard than heretofore; and that a directly aggressive policy towards everything in their habits, or in their usages and customs, which Englishmen deem objectionable, will be no longer confined to individuals and private associations, but will be backed by all the power of Government.

And here your Petitioners think it important to observe, that in abstaining as they have done from all interference with any of the religious practices of the people of India, except such as are abhorrent to humanity, they have acted not only from their own conviction of what is just and expedient, but in accordance with the avowed intentions and express enactments of the Legislature, framed "in order that regard should be had to the civil and religious usages of the natives," and also "that suits, civil or criminal, against the natives," should be conducted according to such rules "as may accommodate the same to the religion and manners of the natives." That their policy in this respect has been successful, is evidenced by the fact, that during a military mutiny, said to have been caused by unfounded apprehensions of danger to religion, the heads of the native states, and the masses of the population, have remained faithful to the British Government. Your Petitioners need hardly observe how very different would probably have been the issue of the late events, if the native princes, instead

of aiding in the suppression of the rebellion, had put themselves at its head, or if the general population had joined in the revolt; and how probable it is that both these contingencies would have occurred, if any real ground had been given for the persuasion that the British Government intended to identify itself with proselytism. And it is the honest conviction of your Petitioners that any serious apprehension of a change of policy in this respect would be likely to be followed, at no distant period, by a general rising throughout India.

That your Petitioners have seen with the greatest pain the demonstrations of indiscriminate animosity towards the natives of India, on the part of our countrymen in India and at home, which have grown up since the late unhappy events. They believe these sentiments to be fundamentally unjust; they know them to be fatal to the possibility of good government in India. They feel that if such demonstrations should continue, and especially if weight be added to them by legislating under their supposed influence, no amount of wisdom and forbearance on the part of the Government will avail to restore that confidence of the governed in the intentions of their rulers without which it is vain even to attempt the improvement of the people.

That your Petitioners cannot contemplate without dismay the doctrine now widely promulgated that India should be administered with an especial view to the benefit of the English who reside there; or that in its administration any advantage should be sought for Her Majesty's subjects of European birth, except that which they will necessarily derive from their superiority of intelligence, and from the increased prosperity of the people, the improvement of the productive resources of the country, and the extension of commercial intercourse. Your Petitioners regard it as the most honourable charac-

teristic of the government of India by England, that it has acknowledged no such distinction as that of a dominant and a subject race; but has held that its first duty was to the people of India. Your Petitioners feel that a great portion of the hostility with which they are assailed, is caused by the belief that they are peculiarly the guardians of this principle, and that so long as they have any voice in the administration of India, it cannot easily be infringed. And your Petitioners will not conceal their belief that their exclusion from any part in the Government is likely at the present time to be regarded in India as a first successful attack on that principle.

That your Petitioners, therefore, most earnestly represent to your [Lordships] Honourable House, that even if the contemplated change could be proved to be in itself advisable, the present is a most unsuitable time for entertaining it; and they most strongly and respectfully urge on your [Lordships] Honourable House the expediency of at least deferring any such change until it can be effected at a period when it would not be, in the minds of the people of India, directly connected with the recent calamitous events, and with the feelings to which those events have either given rise or have afforded an opportunity of manifestation. Such postponement, your Petitioners submit, would allow time for a more mature consideration than has yet been given, or can be given in the present excited state of the public mind, to the various questions connected with the organization of a government for India; and would enable the most competent minds in the nation calmly to examine whether any new arrangement can be devised for the home government of India uniting a greater number of the conditions of good administration than the present; and, if so, which among the numerous schemes which have been, or may be, proposed, possesses those requisites in the greatest degree.

That your Petitioners have always willingly acquiesced in any changes which, after discussion by Parliament, were deemed conducive to the general welfare, although such changes may have involved important sacrifices to themselves. They would refer to their partial relinquishment of trade in 1813; to its total abandonment, and the placing of their Commercial Charter in abeyance, in 1833; to the transfer to India of their commercial assets, amounting to £15,858,000, a sum greatly exceeding that ultimately repayable to them in respect of their capital; independent of territorial rights and claims; and to their concurrence, in 1853, in the measure by which the Court of Directors was reconstructed, and reduced to its present number. In the same spirit, your Petitioners would most gladly co-operate with Her Majesty's Government in correcting any defects which may be considered to exist in the details of the present system; and they would be prepared, without a murmur, to relinquish their trust altogether, if a better system for the control of the Government of India can be devised. But, as they believe that in the construction of such a system there are conditions which cannot, without the most dangerous consequences be departed from, your Petitioners respectfully and deferentially submit to the judgment of your [Lordships] Honourable House their view of those conditions; in the hope that if your [Lordships] Honourable House should see reason to agree in that view, you will withhold your legislative sanction from any arrangement for the government of India which does not fulfil the conditions in question in at least an equal degree with the present.

That your Petitioners may venture to assume that it will not be proposed to vest the home portion of the administration of India in a Minister of the Crown, without the adjunct of a council composed of statesmen experienced in Indian affairs. Her

Majesty's Ministers cannot but be aware that the knowledge necessary for governing a foreign country, and in particular a country like India, requires as much special study as any other profession, and cannot possibly be possessed by any one who has not devoted a considerable portion of his life to the acquisition of it.

That in constituting a body of experienced advisers to be associated with the Indian Minister, your Petitioners consider it indispensable to bear in mind that this body should not only be qualified to advise the minister, but also, by its advice, to exercise, to a certain degree, a moral check. It cannot be expected that the minister, as a general rule, should himself know India; while he will be exposed to perpetual solicitations from individuals and bodies, either entirely ignorant of that country, or knowing only enough of it to impose on those who know still less than themselves, and having very frequently objects in view other than the interests or good government of India. The influences likely to be brought to bear on him through the organs of popular opinion will, in the majority of cases, be equally misleading. The public opinion of England, itself necessarily unacquainted with Indian affairs, can only follow the promptings of those who take most pains to influence it, and these will generally be such as have some private interest to serve. It is, therefore, your Petitioners submit, of the utmost importance that any council which may form a part of the Home Government of India should derive sufficient weight from its constitution, and from the relation it occupies to the minister, to be a substantial barrier against those inroads of self-interest and ignorance in this country from which the Government of India has hitherto been comparatively free, but against which it would be too much to expect that Parliament should of itself afford a sufficient protection.

That your Petitioners cannot well conceive a worse form of government for India than a minister with a council whom he should be at liberty to consult or not at his pleasure, or whose advice he should be able to disregard, without giving his reasons in writing, and in a manner likely to carry conviction. Such an arrangement, your Petitioners submit, would be really liable to the objections, in their opinion, erroneously urged against the present system. Your Petitioners respectfully represent that any body of persons associated with the minister, which is not a check, will be a screen. Unless the council is so constituted as to be personally independent of the minister, unless it feels itself responsible for recording an opinion on every Indian subject, and pressing that opinion on the minister, whether it is agreeable to him or not; and unless the minister, when he overrules their opinion, is bound to record his reasons, their existence will only serve to weaken his responsibility, and to give the colourable sanction of prudence and experience to measures in the framing of which those qualities have had no share.

That it would be vain to expect that a new council could have as much moral influence, and power of asserting its opinion with effect, as the Court of Directors. A new body can no more succeed to the feelings and authority which their antiquity and their historical antecedents give to the East-India Company, than a legislature under a new name, sitting in Westminster, would have the moral ascendancy of the Houses of Lords and Commons. One of the most important elements of usefulness will thus be necessarily wanting in any newly constituted Indian council, as compared with the present.

That your Petitioners find it difficult to conceive that the same independence in judgment and act,

which characterizes the Court of Directors, will be found in any council all of whose members are nominated by the Crown. Owing their nomination to the same authority, many of them probably to the same individual minister, whom they are appointed to check, and looking to him alone for their re-appointment, their desire of recommending themselves to him, and their unwillingness to risk his displeasure by any serious resistance to his wishes, will be motives too strong not to be in danger of exercising a powerful and injurious influence over their conduct. Nor are your Petitioners aware of any mode in which that injurious influence could be guarded against, except by conferring the appointments, like those of the Judges, during good behaviour; which, by rendering it impossible to correct an error once committed, would be seriously objectionable.

That your Petitioners are equally unable to perceive how, if the controlling body is entirely nominated by the Minister, that happy independence of Parliamentary and party influence, which has hitherto distinguished the administration of India and the appointment to situations of trust and importance in that country, can be expected to continue. Your Petitioners believe that in no government known to history have appointments to offices, and especially to high offices, been so rarely bestowed on any other considerations than those of personal fitness. This characteristic, but for which in all probability India would long since have been lost to this country, is, your Petitioners conceive, entirely owing to the circumstance that the dispensers of patronage have been persons unconnected with party, and under no necessity of conciliating parliamentary support; that, consequently, the appointments to offices in India have been, as a rule, left to the unbiassed judgment of the local authorities; while the nominations to the civil and



military services have been generally bestowed on the middle classes, irrespective of political considerations, and, in a large proportion, on the relatives of persons who had distinguished themselves by their services in India.

That your Petitioners, therefore, think it essential that at least a majority of the Council which assists the minister for India with its advice, should hold their seats independently of his appointment.

That it is, in the opinion of your Petitioners, no less necessary that the order of the transaction of business should be such as to make the participation of the Council in the administration of India a substantial one. That to this end, it is, in the opinion of your Petitioners, indispensable that the despatches to India should not be prepared by the Minister and laid before the Council, but should be prepared by the Council and submitted to the Minister. This would be in accordance with the natural and obvious principle that persons chosen for their knowledge of a subject should suggest the mode of dealing with it, instead of merely giving their opinion on suggestions coming from elsewhere. This is also the only mode in which the members of the Council can feel themselves sufficiently important or sufficiently responsible to secure their applying their minds to the subjects before them. It is almost unnecessary for your Petitioners to observe, that the mind is called into far more vigorous action by being required to propose than by merely being called on to assent. The Minister has necessarily the ultimate decision. If he has also the initiative, he has all the powers which are of any practical moment. A body whose only recognized function was to find fault, would speedily let that function fall into desuetude. They would feel that their co-operation in conducting the government of India was not really desired; that they were only felt as a clog on the

wheels of business. Their criticism on what had been decided without their being collectively consulted would be felt as importunate, as a mere delay and impediment ; and their office would probably be seldom sought but by those who were willing to allow its most important duties to become nominal.

That with the duty of preparing the despatches to India, would naturally be combined the nomination and control of the home establishments. This your Petitioners consider absolutely essential to the utility of the Council. If the officers through whom they work are in direct dependence upon an authority higher than theirs, all matters of importance will in reality be settled between the Minister and the subordinates, passing over the Council altogether.

That a third consideration, to which your Petitioners attach great importance, is, that the number of the Council should not be too restricted. India is so wide a field, that a practical acquaintance with every part of its affairs cannot be found combined in any small number of individuals. The Council ought to contain men of general experience and knowledge of the world ; also men specially qualified by financial and revenue experience, by judicial experience, diplomatic experience, military experience. It ought to contain persons conversant with the varied social relations and varied institutions of Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and the native states. Even the present Court of Directors, reduced as it is in numbers by the Act of 1853, does not contain all the varieties of knowledge and experience desirable in such a body. Neither, your Petitioners submit, would it be safe to limit the number to that which would be strictly sufficient, supposing all the appointments to be the best possible. A certain margin should be allowed for failures, which, even with the most conscientious

selection, will sometimes occur. Your Petitioners, moreover, cannot overlook the possibility that, if the nomination takes place by Ministers at the head of a political party, it will not always be made with exclusive reference to personal qualifications; and it is indispensable to provide that such errors or faults in the nominating authority, so long as they are only occasional, shall not seriously impair the efficiency of the body.

That while these considerations plead strongly for a body not less numerous than the present, even if only regarded as advisers of the Minister, their other office, as a check on the Minister, forms, your Petitioners submit, a no less forcible objection to any considerable reduction of the present number. A body of six or eight will not be equal to one of eighteen, in that feeling of independent self-reliance which is necessary to induce a public body to press its opinion on a minister to whom that opinion is unacceptable. However unobjectionably in other respects so small a body may be constituted, reluctance to give offence will be likely, unless in extreme cases, to be a stronger habitual inducement in their minds than the desire to stand up for their convictions.

That if, in the opinion of your [Lordships] Honourable House, a body can be constituted which unites the above enumerated requisites of good government in a greater degree than the Court of Directors, your Petitioners have only to express their humble hope that your endeavours for that purpose may be successful. But if, in enumerating the conditions of a good system of Home Government for India, your Petitioners have in fact enumerated the qualities possessed by the present system, then your Petitioners pray that your [Lordships] Honourable House will continue the existing powers of the Court of Directors.

That your Petitioners are aware that the present Home Government of India is reproached with being a double Government ; and that any arrangement by which an independent check is provided to the discretion of the Minister will be liable to a similar reproach. But they conceive that this accusation originates in an entire misconception of the functions devolving on the Home Government of India, and in the application to it of the principles applicable to purely executive departments. The Executive Government of India is, and must be, seated in India itself. The Court of Directors is not so much an executive, as a deliberative body. Its principal function, and that of the Home Government generally, is not to direct the details of administration, but to scrutinize and revise the past acts of the Indian Governments ; to lay down principles, and issue general instructions for their future guidance, and to give or refuse sanction to great political measures, which are referred home for approval. These duties are more analogous to the functions of Parliament, than to those of an Executive Board : and it might almost as well be said that Parliament, as that the Government of India, should be constituted on the principles applicable to Executive Boards. It is considered an excellence, not a defect, in the constitution of Parliament, to be not merely a double but a triple Government. An executive authority, your Petitioners submit, may often with advantage be single, because promptitude is its first requisite. But the function of passing a deliberate opinion on past measures, and laying down principles of future policy, is a business which, in the estimation of your Petitioners, admits of, and requires the concurrence of more judgments than one. It is no defect in such a body to be double, and no excellence to be single ; especially when it can only be made so by cutting off that branch of it which by previous training is always the best prepared, and often the only one which is prepared at all, for its peculiar duty.

That your Petitioners have heard it asserted that, in consequence of what is called the double Government, the Indian authorities are less responsible to Parliament and the nation, than other departments of the government of the Empire, since it is impossible to know on which of the two branches of home government the responsibility ought to rest. Your Petitioners fearlessly affirm, that this impression is not only groundless, but the very reverse of the truth. The home Government of India is not less, but more responsible, than any other branch of the administration of the State; inasmuch as the President of the Board of Commissioners, who is the minister for India, is as completely responsible as any other of Her Majesty's ministers, and in addition, his advisers also are responsible. It is always certain, in the case of India, that the President of the Board of Commissioners must have either commanded or sanctioned all that has been done. No more than this, your Petitioners submit, can be known in the case of the head of any department of Her Majesty's Government. For it is not, nor can it rationally be supposed, that any minister of the Crown is without trusted advisers; and the minister for India must, for obvious reasons, be more dependent than any other of Her Majesty's ministers, upon the advice of persons whose lives have been devoted to the subject on which their advice has been given. But in the case of India, such advisers are assigned to him by the constitution of the Government, and they are as much responsible for what they advise as he for what he ordains : while in other departments the Minister's only official advisers are the subordinates in his office—men often of great skill and experience, but not in the public eye; often unknown to the public even by name; official reserve precludes the possibility of ascertaining what advice they give, and they are responsible only to the Minister himself. By what application of terms this can be

called responsible government, and the joint government of your Petitioners and the India Board an irresponsible government, your Petitioners think it unnecessary to ask.

That without knowing the plan on which Her Majesty's Ministers contemplate the transfer to the Crown of the servants of the Company, your Petitioners find themselves unable to approach the delicate question of the Indian Army, further than to point out that the high military qualities of the officers of that army have unquestionably sprung in a great degree from its being a principal and substantive army, holding Her Majesty's commissions and enjoying equal rank with Her Majesty's officers, and your Petitioners would earnestly deprecate any change in that position.

That your Petitioners, having regard to all these considerations, humbly pray your [Lordships] Honourable House, that you will not give your sanction to any change in the constitution of the Indian Government during the continuance of the present unhappy disturbances, nor without a full previous inquiry into the operation of the present system. And your Petitioners further pray that this inquiry may extend to every department of Indian administration. Such an inquiry your Petitioners respectfully claim, not only as a matter of justice to themselves, but because, when, for the first time in this century, the thoughts of every public man in the country are fixed on India, an inquiry would be more thorough, and its results would carry much more instruction to the mind of Parliament, and of the country, than at any preceding period.



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## INTRODUCTION.

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IN appearing before the public with the following remarks, I can conscientiously say I am swayed by no private or personal motives.

They have been called forth by the perusal, in the first place, of the Petition of the East India Company to both Houses of Parliament ; and, in the next place, after a careful study of the "*Memorandum*," published, I believe, under the sanction of the Company, which purports to exhibit, in detail, the "improvements in the administration of India during the last thirty years."

It is a source of regret to me that some one more able than myself and similarly experienced has not taken up the consideration of this important document. But no one appearing, at the moment, to do so, and feeling that there are many statements in the "*Memorandum*" which ought not to go forth to the world uncontradicted or uncommented upon, I have been impelled thus to attempt to discharge what I look upon as a duty which I owe to my fellow-countrymen in India unable, as they are through their absence, to speak for themselves : and not only to them, as Europeans, but as well to the native community at large. I have this confidence, however, in doing so that in my observations, inadequate though they are, in my statement of facts, and in the allegations which I bring, I shall carry with me their unanimous approval and support, and not only theirs, but also that of every independent and unbiassed person who, like myself, has a thoroughly practical and personal acquaintance with India as it is.

If anything was required to stir me in this matter, it was not wanting in the Company's Petition.

In one paragraph of it I read "that the Government of India has been not only one of the purest in intention, but *one of the most beneficent in act ever known among mankind*," and in another part, "that your petitioners cannot contemplate without dismay the doctrine now widely promulgated, that India should be administered with an especial view to the benefit of the English who reside there."

In this last sentence I recognize the echo of insinuations which have been industriously circulated by prejudiced and interested persons, to the effect that the British independent settlers are seeking for themselves privileges and exemptions—an exclusiveness in fact—to the detriment of the native inhabitants: a statement more foreign to the truth, more unjust and unfounded than which I never heard.

If there is a class in India whose interests are bound up in the welfare of the community at large, in that class is the British settler. If there are, on the other hand, any whose objects and interests have ever been at variance with those of the native and other races, among them will be found the privileged civil servant of the Company.

Taking then this last paragraph I have quoted, with the former so unqualified and, if taken for granted, dangerous assertion, I was startled to think—with the picture of India as she is and has been ever present to my mind—how hopeless still would be her fate if the British Parliament legislated under such fallacious convictions.

That I may not be thought presumptuous, it may only be proper to state what grounds I have for the experience I lay claim to. For more than five-and-twenty years, then, I have resided upon and managed extensive estates of my own, independently of valuable

indigo factories, in most of the districts of Bengal, besides being deeply interested in several industrial undertakings.

At the time of the mutiny and subsequent rebellion most of my fortune was invested in India. I apprehend indeed that, as a single individual, I am one of the greatest sufferers from the plunder and ravages (and the consequences) committed by the sepoys on my properties in the Jaunpore, Benares, Azimghur, and Gorrukhpore districts, which I am advised will entail a loss to me of upwards of twenty thousand pounds.

If in the course of the remarks in this pamphlet I may be thought occasionally to show undue warmth or harshness, I hope the reader will bear with me.

It is not the men, but the "system" I denounce.

The sole, actuating principle which has guided me throughout, is the earnest desire to see *justice* done to India. That the millions of our fellow-subjects in that vast empire may have, *in truth*, extended to them the "beneficial influences" resulting from the adoption of *that which, strange as it may appear, I believe the East India Company is not ashamed to declare* to be its axiom—"Equal justice to all."

J. FREEMAN.

LONDON, MARCH, 1858.



# REPLY TO THE MEMORANDUM

OF THE

East-India Company.

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## CHAPTER I.

PERMANENT SETTLEMENT OF LOWER BENGAL BY LORD  
CORNWALLIS.

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### *Revenue, Administration, and Rights of the Rural Population.*

THE "Memorandum" alleges in this respect that Lord Cornwallis made "an important *mistake*, with the most generous intentions," and has "divested the Government" of the "great power of influencing beneficially the condition of the cultivators of the soil."

Never was an assertion so well adapted to deceive the English public in their ignorance of the facts. The very reverse I contend is the truth. Let these cultivators have improved and efficient courts of justice, to protect their rights such as they are more or less recognized by existing regulations, with an average fair police—and these alone would be most important "beneficial influences" to them, independently of the many other means which I maintain the Government have at their disposal for, as they term it, "influencing beneficially the cultivators of the soil."

Under the "north-west" system the ryot pays to Government a rent more than double what the ryot under Lord Cornwallis's settlement pays for better land, requiring mostly no irrigation; whereas in the "north-west," an average irrigation costs the cultivator ten to twelve rupees per acre.

It is at the same time a notorious fact that for every *ten* rupees actually taken from the Government ryots, not eight find their way into the treasury.

All the property this poor ryot with his family possesses—independently of his plough and bullocks—would not fetch twenty shillings. Toiling like a slave at his land, he cannot realize nearly so much as he could do if he hired himself as a day labourer, when he might earn five shillings a month.

Ay, let noble lords and honourable gentlemen who would carry the banner of Christianity throughout the length and breadth of India, but who, indeed, have but a superficial knowledge of the realities of India, look to this. They have something here more than a mere surface of heathenism to encounter in the task of proselytizing.

Lord Cornwallis did indeed go counter to the traditions of the Honourable East-India Company. But he acted as an enlightened and liberal statesman should do, abjuring mere selfish and sordid sources of action. The system he introduced, after sixty years of trial, has proved the soundness of his views. Look at the prosperity and comparative affluence and comfort of those living under its provisions compared with the state of those enjoying the Government's "beneficial influences."

And what are these beneficialities ?

Is it "beneficial" to a cultivator of the soil to have exacted from him more than he has any ability to pay ?

Is it a misfortune, on the other hand, to live under an act which has erected a barrier against those who, from time to time, would mulct you in additional taxes on your land ?

Yet the Company finds fault with the system of Lord Cornwallis and praises its own, which carries in its wake such an amount of poverty and wretchedness. Were the people of England better enlightened on Indian matters, such a monstrous sophism would not have been attempted.

It is a truth to say their system benefits the pockets of Govern-



ment; but it is as reverse of the truth to say it benefits the cultivators.

But has the Government of a mighty territory like India no higher functions, no loftier aspirations than to be in itself the collector of rents direct from every individual cultivator of the soil?

I maintain that a middle man, a respectable proprietor or zemindar, to come between the actual cultivator and the Government, is *necessary*. As a policy only it would tend to secure for the Government that respect which rulers ought to strive to deserve at the hands of those they rule. It would give the executive in its hour of need, a body of men to fall back upon. Look at Bengal, where, under the permanent settlement, a wealthy class of land-owners have sprung up; and these were the men who in the late crisis came forward, heart and hand, and offered their support to the Government in Calcutta!

In all civilized countries, landlords feel an interest in the welfare of their tenants. With the zemindars the ryots find some mercy when, through losses or misfortune, they cannot pay their rent; but the Government listens to nothing. The native tax-gatherer can have no mercy—rents must be brought in, whatever be the consequences.

As to the argument that “nearly *two-thirds* of the revenue of India consists of the rent of the land,” and “the public necessities of the country may be said to be provided for at no expense to the people at large” (see page 20), I think I can safely leave it, after what I have said, to the reader to draw his own conclusions.

We have all heard of the system of torture and other vile means had recourse to in the Madras presidency, to collect an impossible land-tax. Now forsooth, when that great redresser of all grievances, public opinion, is being brought to bear—when that hitherto impenetrable veil which has so long shrouded in a sort of sacred secrecy that *imperium in imperio*, the Government of India is about to be rent asunder—now, indeed, we have promises overflowing with milk and honey!

But to come to the other system termed the “village settlement.”

This is little better than the ryotwar in principle, and in its results the only difference is that what is here wrung from the ryots over and above their just rents—which were previously fixed by Government—is confined to the village circle, and they escape having the Government leeches down upon them.

Now if these lands and villages have all been properly surveyed, —as stated in the “Memorandum”—and their limits defined, would it not be well to form lots of five or ten thousand acres, and, after taking off a reasonable per centage, receive tenders for purchase from respectable parties. It would, at any rate, be a means for the Government to creep out of an invidious and most unbecoming position. I have no doubt, from the well-known propensity of the wealthy natives, that such properties would realize a very considerable sum of money. Very acceptable, I should think, to the treasury of the Indian Government at the present moment.

I would also apply this to the North-west Provinces; trusting always, however, that the capitalists of India will have more confidence in transactions of this nature than they at present place in the financial operations of the Company's Government. For it must not be supposed that that flagrant deception practised upon them, when their Five per Cents. were converted into Four per Cents., under the plea that the treasuries were overflowing, when in less than a year afterwards they opened another loan at five per cent., can be easily forgotten.

But what has Government lately done in certain districts? Instead of creating a class of zemindars or talookdars as I suggest, they have positively dispossessed those that existed, allowing them eighteen per cent. out of thirty-three per cent. of the supposed rents—the remaining fifteen per cent. being allowed to a kind of jobber in human miseries, he becoming responsible for the collection of the rents to Government. And see the result. The assessment made on the lands was so exorbitant that at the end of a year or two these jobbers were ruined, as they could never collect anything like the assessment. If this is a conscientious legislation, most assuredly it is a blundering one.

But I think it is nearer the truth to suppose that this eighteen per cent., offered to the talookdars, covered a secret desire on the part of the Company's officers to get *nearer* to the ryots, and put the screw upon them, the poor "jobber" being the scape-goat.

The mild term applied to this incessant squeezing of the unfortunate ryot is the word "revision!" See then another result of this "revision." These talookdars will be found among the first parties urged to join in the rebellion against us. Can we blame them? They had rights originally solemnly recognized by us. We have broken faith with them—*pari passu*, they break faith with us. If you hold the sword at a man's throat to make him perjure himself, it is at least a very venial perjury.

I believe some reform is being carried out in the revenue system of Bombay, but it is my conviction that until a "*permanent*" system becomes paramount from one end of India to another, justice will not be done.

It is not necessary for me to go into further details in noticing this article on the "Revenue System;" but there is one paragraph which I can scarcely pass over. "The other great improvement *was the rule* that no ryot should be required to pay additional *tax* (or rent)"—here it is admitted that to pay half or two-thirds of the produce of the soil under the denomination of rent is a *tax*—"for his land, in consideration of increased value derived from improvements made by himself!" What considerate mercy!

The Appendix D, page 100, is well worthy of attention, whether as to the date of the alleged improvement, which has not yet been put into practice, or to the last most Jesuitical paragraph. Do the Company indeed not know that their native servants subsist upon exactions, extortions, and bribery? In the courts of justice, with very few exceptions, but without any exception in the police; and, in short, in every other imaginable capacity do their iniquities prevail. *Vide* Halliday's evidence.

*The Opium Monopoly.*

It appears to be the aim of this chapter to show that the expenses of India are defrayed without taxation (see page 21). What an "El Dorado" must not that country be! I can easily imagine, however, that under this head it is thought necessary to suggest something alluring the better to prepare the reader for swallowing this bitter opium pill. Bitter, in truth, it is to the "poor and passive cultivator," as the "Memorandum" compassionately calls him; for it wrests from him at least four-fifths more of the produce of his labour and of his land, not to mention the coercion and ill-treatment resorted to by the opium underlings to compel him to take part in or to extend the cultivation of the poppy—a culture requiring, as it does, the most minute care and constant irrigation (see pages 21 and 22).

Really it is surprising that the writers of this "Memorandum" should venture to impose upon a reflecting public with the reasonings and arguments they make use of here. They say "the taxation upon opium is not paid by any class of her Majesty's subjects, but is paid by foreigners." I conclude the native cultivator is included in the enumeration of her Majesty's subjects, and that by foreigners are meant the Chinese.

But is the assertion, unqualified as it is, true? I unhesitatingly say it is not. Let the reader judge for himself. In the first place, great persecution is employed by the swarms of the peons (who may be called the "recruiting sergeants" of the Government in this instance) to compel the ryot to take advances, and to devote a portion of his land to opium. That done, the peon has him in his net. He then takes very good care, by making free use of threats of accusations, that he, the ryot, has been retaining or selling clandestinely a small portion of opium, or that he has not measured off or sown the quantity of land, in self-defence, he was obliged to contract for—false all the time—or by various other little means he knows too well how to employ. He takes very good care

to pay himself for any overexertion he may consider his "*loyalty*" to the Government has put him to.

Well, the ryot delivers whatever opium he has made, and he receives—what? one-fifth of the real value of the article in payment. That is to say, that for what the Company obtains by auction in the Exchange-rooms at Calcutta, fifteen rupees, he, the "poor and passive" ryot, receives three; and, again, though it will scarcely be thought credible, out of this pittance of three rupees, a poundage is exacted by the higher grade of opium officials, the European agent alone excepted.

Now, does this state of things justify the bold assertion of the "Memorandum?" Surely no rational person can say that it does. I maintain that it is not merely *a tax* upon the cultivator, but that it is absolute spoliation. No milder term can be really applied to it. The cultivator, his family, and his land together produced the opium, and the Company pockets four-fifths of what it realizes.

Twelve rupees out of fifteen go *clear*—for the speculator in Calcutta deals *direct* with the Government—into the treasury.

I should shrink from making statements which I am not prepared to prove; but I have possessed extensive properties in the opium cultivating districts, and I have seen ryots, through tyranny, and to save themselves from persecution, compelled to sow opium in land belonging to me, even in the very compound of my house, which I had given to them for other purposes.

I have seen these men, as well as my own servants, literally dragged into the magistrates' courts and *fined* upon *false* complaints and accusations arising out of the opium system.

Well may an item of five millions figure in the returns of the revenue of India to the credit of opium. Perhaps the next mitigatory statement put forth by the Company will be that this infliction is "only upon a portion of the people who happen to reside in the districts where opium is cultivated." But, if anything, this is an aggravation of the whole case. This tax of five millions is levied upon a very small portion of Bengal, from

Rajmahall to just beyond Benares, and indeed upon only a portion of the cultivators in that range of country.

Within all the category of rational or even plausible reasons, I cannot imagine one that can be given to be for an instant admissible in justification of this, the East-India Company's system for carrying out the opium monopoly.

### *The Salt Monopoly.*

Here, in the article under the head of salt we have, at last, the admission that there is something which constitutes a TAX. But, mark the important qualification, "the ONLY tax which the labouring ryot of India pays!" (pages 22 and 23). Various remarks are made in the way of palliation, as it were, of this tax, and a laboured attempt—but to me a most vain one—is made to disprove its being a *monopoly*. Alas! these two dreadful words, *monopoly* and *tax*, they seem to produce a sort of *spasm* in Leadenhall-street if alluded to in England, though in poor India they are "household words."

That taxes must be had recourse to to defray the expenses of Government, no one will attempt to dispute; but what I contend for is, that other than the considerations which have actuated the Company's Government should regulate their imposition; that some thought should be given to the state of the population of the country that is being administered; a due reflection made upon the relative positions of the governors and the governed. Absolute power on the one hand and comparative helplessness on the other.

The millions of India require no high flights in diplomacy, no tortuosity of statecraft, no researches into the doctrines of Machiavel, to effect their good and prosperous government. All they need is a system of government founded upon sterling principles; legislators who will throw to the winds selfish objects or personal aggrandisement, when they see the welfare of the people is at stake.

When the maxim—and I can conscientiously say that this, and this alone, describes my object, and its attainment is alone the

actuating motive of all I say throughout the entire of this pamphlet, the Company's own maxim—of “equal justice to all;” when this is really accorded to the countless thousands of our Eastern fellow-subjects, then, but not till then, will India smile upon us.

The subject matter under this head forces these thoughts upon us; indeed, the subject must come home to every Englishman. He needs not be Indian-wise to understand this. The article of salt is so precious—we look for it as we would for our bread and our water. It is to us a necessity. To the poor cultivator of Bengal, whose diet is all of vegetables, it is more—it is his only luxury.

Let us enquire then what it costs him, and how it is produced and *manufactured*. It is the product of the dirty tidal sea-water at the mouths of the various rivers, the complexion of which very much resembles the appearance of the Thames below London-bridge.

The salt is delivered into the Company's store-houses on the Hooghly, opposite Calcutta; and there costs the Company about 12 annas, or 1s. 6d. per maund, equal to 1s. 10½d. per cwt. I have seen it sold there at auction, at Rs. 400 and upwards per 100 maunds, or fully 10s. per cwt. This is wholesale, and leaves the Company a profit of about 8s. 1½d. per cwt.

The purchasers at these sales are chiefly restricted to a wealthy class of Calcutta speculators, natives, who, after effecting an adulteration in it of not less than ten per cent., dispose of it to other wholesale dealers of less magnitude. This second class dispose of it, in their turn, to third parties, who send it up the Ganges and its branches, where it is delivered to retailers and others at the different market-towns and civil and military stations—and here it undergoes a third compounding. At this stage the more directly speaking inland dealers come in and purchase their supplies. And we must now follow the salt slung in bags, on bullocks, two bags to a bullock. I say on bullocks, for with the exception of a celebrated strategical one, and a few others of an *ornamental* character, there are no *roads* throughout the entire of Bengal. These bullocks carry it for distances varying from 75 to 150 miles,

at the end of which long and expensive journey, it undergoes its fourth and final adulteration, before it reaches the mouths of the "poor and passive" cultivators.

The price they have then to pay for the commodity averages fifteen shillings per cwt., but, taking into account that there is about thirty-five per cent. of foreign substances in its composition, we may call the price to the ryot of the actual salt, at least twenty shillings the cwt. I beg the reader to keep in mind that the earnings of these poor inhabitants do not exceed five shillings for thirty-one days.

Now there are countries in Europe,—France and Switzerland, for example,—where, in the former, salt, gunpowder, and tobacco, in the latter salt only, are monopolies of the Government; but observe the contrast, these governments, unlike the Government of India, instead of letting themselves down to the level of a dishonest and overreaching tradesman, determine that, as they do deal in commodities, their dealings shall be, if possible, a blessing to their subjects. Therefore, we find throughout the two countries I have referred to, *dépôts*, or "*débîts*," as they are called, in every small town, which are *licensed* to poor people, frequently widows, who have some claim upon the government. They are remunerated by a small discount upon the quantity they sell, and placed under a severe surveillance. So that nothing but a pure and unadulterated article can be sold, and that at a uniform price regulated by government.

Here we see true foresight and wisdom. But, unfortunately, the aim of our Government in India seems to have been how best to devise means, fair or otherwise, to collect the greatest amount of revenue. The system, in its unsparing and reckless character, may be likened to the chariots of ancient warfare, armed on either side with scythes; and as with them the iron hoofs of the horses did not tend to diminish the effects produced by the chariot they drew, so we may truly say the manners of the revenue collectors do not conduce to soften the rigour of the law they apply.

It is all very well if a man proceeds to Calcutta and opens a



store, saying, "Now I am determined, no matter what becomes of my neighbours, to make money; I look after none but myself." All we can say to this man is, we leave him to his selfish pursuits. But, surely, the rulers of a country are not free to act towards the people they are placed over in the same manner that this man does towards his neighbours.

But I would inquire,—How is the Punjab situated in regard to this article of salt? The cultivator there, we are told, contributes only one-fifth of the produce of the land as rent, or land-tax, and pays only 4s. 6d. per cwt. for salt (Appendix E); being also free from the opium scourge.

I can only suppose that the writers of the "Memorandum," to be consistent, must apply the mild censure with which they would disturb the ashes of Lord Cornwallis to those able and successful administrators, the Lawrences; for the Punjab is unquestionably in a prosperous state. And no better evidence can be afforded of this, and the results of its government, than the fact of the resources we have drawn from it in the present rebellion.

If there has been a modification of late in the Company's system in regard to the salt monopoly of Bengal, I insist that it is an alteration but in name, a distinction without a difference.

If the *duty* is no longer *founded* in a monopoly, it amounts to *four hundred* per cent. on the natural cost of the article, and this is surely the reality of a monopoly.

I cannot pass over page 24, without quoting a trite and, at first sight, plausible sophism; it runs thus: "Even if the revenue derived from salt were not required, it is still conceived that more good would be done to the people by retaining the tax, and expending its proceeds on roads and works of irrigation, than could possibly be done by its remission."

The reader of this we will suppose a country gentleman in England, who may hold a little India stock, and therefore is in the habit of hearing now and then, perhaps, of a battle, a victory, and that he is the honourable proprietor of a few more millions,

“wrested from oppression and misrule.” Such a gentleman, to whom India has been always *couleur de rose*, and there are many such, immediately concludes—for, though he may not know much of politics, he can read English—that the East-India Company’s coffers are full, almost to overflowing, and that they are quite up to the age in the march of improvement. What a dreadful delusion!

Why, these glorious feats of arms, or of diplomacy, which from time to time have elevated his step and brightened his countenance, *are the developments in civilization* which the Honourable East-India Company has been expending its vast revenues upon, besides heaping up an accumulation of obloquy and disgrace which makes a philanthropic Englishman grow pale. In place of the treasury overflowing, it is bankrupt; instead of having money in hand, it is constantly seeking loans.

#### *Customs.*

The subject of the customs opens with another assertion, which really can have no other effect than to lead the reader astray who lacks *personal* knowledge of the matter before him. I need only refer (page 29) to where it is stated, “During the period,” from 1834-5 to 1856, “the imports into India have risen from “£4,261,106 to £13,447,027, or upwards of 227 per cent.” If these figures are correct, how can they in another paragraph say, “The customs in India are not a very productive source of revenue,” and “the classes who consume any considerable amount of foreign “productions being comparatively limited?”

Why do not the writers particularize? To class English as foreign in a statement like this is, to say the least of it, running the chance of misleading people.

We know that the natives, nine-tenths of whom are cultivators, are not likely to indulge in *foreign* articles, that is to say, French, German, Swiss, or even American productions—French silks and ribbons, wines, brandies, and such like. These articles are con-

sumed by the European and higher native classes ; but all classes, without any exception, consume British manufactures. Every native whom these articles can reach takes calicoes, printed cloths, woollens, and shawls to a great extent ; all iron and other metals are imported from England : in short, almost everything, with the exception of the articles I have enumerated as *foreign*.

I have travelled in a palanquin from Bombay to Calcutta, a pretty long journey, and I took advantage of every opportunity during this journey to obtain information and make observations, and I came to the conclusion, and since then the conviction has been only strengthened, that were there roads fit even for the small native carts, so that British manufactures might be conveyed into all parts of the interior, the customs duties, levied at the present scale, would yield five-fold of what they now do. This is an aspect, however, of revenue possibilities which does not appear to come within the scope of the "Memorandum."

As to abolishing the transit-duties which were levied on goods passing from one independent state into another, for contributing to the expenses of the respective governments, it is but natural, when these provinces are brought under *one* government, the British rule, such duties should cease. The simplification of taxes is a most important object where the collectors possess such a power to work mischief as we have pretty well seen the native officials in India do.

#### *Post-Office.*

It is a relief to arrive at a point where we can really recognize improvements.

I gladly admit that, of late years, in Bengal, small mail-carts placed upon the grand-trunk road, and upon the only branch of it which runs to Patna, instead of the foot-runners, have materially lessened the time for communication between Benares and Calcutta. Of course the lamentable absence of roads prevents the extension of this desirable improvement.

The uniform stamp postage system lately adopted is also a great

boon ; and (page 28) the change to a low rate is admittedly proved an advantage to the revenue. For instance, " At the close of " 1855-6 (the first complete year of the new system) the number of " chargeable letters had increased 101 per cent. as compared with the " preceding year, and 142 per cent. as compared with 1849-50. The " loss of revenue which, if there had been no increase of correspondence, " would have been Rs. 9,12,000, is only Rs. 3,01,869, and may be " expected yearly to diminish " The principle carried out in these changes is an enlightened one ; the regret can only be that it is not applied to other departments of the administration.

We now come to the remarks under the head of

### *General Prosperity.*

There are many arguments adduced under this head, and assertions made which are undoubtedly founded on greatly exaggerated facts. The public must, therefore, hesitate to take all for granted that they read in the "Memorandum," as to the prosperous state of India—the comfort and happiness of its inhabitants. The following figures show, however, if any testimony to the fact was wanting, the success that has attended the abolition of the commercial monopoly of the Company : "The exports have risen from " £7,993,420 in 1834-5, to £23,039,268 in 1855-6, being 188 per " cent. The export of rice, chiefly from the east coast of the Bay " of Bengal, has so vastly increased, " that labour can scarcely be " found to transport it to the coast." Would it not be more beneficial still, in a moral point of view, as well as in a material, if its administrative and judicial monopolies were finally swept away ? Then, indeed, the "poor submissives" would begin to breathe freely, and rise in the social state.

We all recollect the outcry raised by the East-India Company about their trade—that Europeans would ruin the country if allowed to meddle with it—that their monopoly was the best and only system for working the rich resources of the country, and now we see the results they admit.

Though notwithstanding the trade was opened in 1817, the Company continued as traders up till 1834: they dearly loved the patronage their trading gave them, so conspicuous in their maritime service, and they lavished away the territorial revenues of the country with the most unjustifiable and unheard-of prodigality.

Had they remained as merchants, without the resources of the country to fall back upon, without doubt they must have reached bankruptcy then, as in the capacity of administrators only they have done now? No respectable solvent merchant up till 1835 could attempt in any shape or way to cope with the Company. They stood completely in the way of all rational or profitable commerce. They grasped a mass of patronage, they had the "submissive" Indians at their back to fill their emptying coffers, and they met their enormous losses with *admirable fortitude*.

When we speak, again, of the "general prosperity" of a country, we naturally associate in our minds the extension of knowledge and information.

It is a remarkable fact, that of the two hundred millions inhabiting our Indian possessions, not ten thousand have any other knowledge or belief but that the East-India Company are the sole kings and governors of the British empire.

They know nothing of what the British empire is—of its power and its might. Their only knowledge of our Queen dates from the time that the new (debased eight per cent.) Company's rupee came into existence. But even now they form a very local sort of idea of her Majesty. Many of my own ryots, upon seeing on one side of this coin the words "One Company's Rupee," and on the other the effigy of the Queen of England, have asked me "if that lady was not 'the Company Behadour's wife!'" So much for the spread of intelligence! It is but a specimen of a general state of deplorable ignorance, which I am sorry to say the East-India Company have done all that they could to perpetuate and foster.

It has never been their policy that the Imperial Government should be allowed to manifest itself in any open way in India.

It is the belief of many experienced persons, that had the sepoy been enlightened as to the institutions, power, and resources of England, we should never have seen the outbreak at Meerut ; and this is a reasonable opinion. For it is not to be supposed that, if the sepoys could have believed for a moment that in four months from the time of their rebellion some thousands of British troops would have actually been sent out and landed on their shores, they would have allowed themselves to be drawn into an insurrection involving such possible fatal consequences to them. No ; all the power, influences exerted, and promises made, by the kings of Delhi and Lucknow, would never then have induced the sepoy to quarrel with his regular pay and pension.

Before leaving this subject, I would refer to the paragraph (page 29) which says that "the agricultural population of large districts (implying Bengal) are for the first time out of debt to money lenders." This, I assert and can prove, is not the case, nor have the wages of the labourers risen certainly to any great extent.

## CHAPTER II.

## JUDICATURE AND LEGISLATION.

*Judicial.*

THERE is in this chapter, indeed, a wide field for remark.

Not having resided in any of the lately annexed provinces, except on the frontiers of Oude, I can say nothing to the contrary of what is stated (page 30), as far as they are concerned ; but I can safely say that no improvements have taken place of late years in any part of Bengal. It is said, "Last come the plans, now in an "advanced stage of their progress, for effecting a complete reform." Ample acknowledgment in this word "complete" of the absolute and entire demand for it. For the last twenty years, however, I have heard of this coming regeneration—the advent of this wonderful code of laws—but we are still as we were !

It is scarcely fair for the writers of the "Memorandum" to apply the term "barbarous" to the civil judicature of England at the close of the last century, and not likewise to its own ideas at present on the subject. The only justification of such a flippancy may be in the fact of the people and Parliament of England having permitted the Company's system from that time to continue. But British statesmen appear to have always had a mist before their eyes when dealing with India.

Here are Lord Cornwallis's courts brought forward as defeating the ends of justice by needless delays and expense ; "and power," it says, "had been given to the Judges of her Majesty's Supreme Court "so as to meet the exigency, but the power was never acted upon." (Page 31.) It is painful to be under the necessity of so often

protesting against the spirit, meaning, and intentions conveyed in so many parts of this "Memorandum;" but I have no alternative. This "Supreme Court," were it established by Lord Cornwallis or not, is, I boldly assert—and the entire community of Calcutta, of whatever religion, class, or caste, will endorse the assertion—the *only court* throughout the vast provinces of Upper and Lower Bengal which enjoys, and deservedly so, the confidence of the public—whether they be the independent Europeans, the wealthy and enlightened natives, or even the civilians and military men—all, in short, who have the good fortune to have their lives, properties, and liberties placed under its jurisdiction.

As for the British independent settlers in the Mofussil, it is the only real refuge and protection they have against the persecution of the Company (witness the most recent case, "Ouseley *versus* Plowden," Governor-General's agent at Nagpore), who, from a narrow-minded but ever-existing animus, a paltry jealousy, are constantly endeavouring to deprive them of the Supreme Court, and deliver them over to their own abominably corrupt and inefficient ones, as they exist in the Mofussil: courts presided over, on the one hand, by untrained and inexperienced civil servants, who are hampered and misled by a host of unprincipled native officials—wretches who live in the very atmosphere of bribery; or, on the other hand, courts where sit Hindoo idolaters, hating as they do our race; or the Mahomedan, who, if he had the power, would exterminate every Christian living.

The following is an extract from a speech delivered in the Town-hall of Calcutta in February last year at a meeting "against the proposed subjection of British subjects to the criminal jurisdiction of the East-India Company's Courts," by T. J. Kenny, Esq., a highly-respectable, and extensive indigo planter, silk grower, and landowner of Jessore:—

"I shall now give you a specimen of the mode in which moonsiffs conduct their duties, with no more powers than they at present possess. I myself had a case in the moonsiff's court in my district. Mr. Fraser was to superintend the case, and Mr. David Gilmore and Mr. Roberts were



witnesses in it. Mr. Fraser was unable to attend from illness, and sent in a medical certificate. Mr. Gilmore and Mr. Roberts did attend ; and how do you think they were received by this moonsiff in his court? The huzoor lifted up his legs upon his table in their faces, and broke forth into an obscene Hindostanee song. (Hear, hear.) The song sung, he applied himself abstractedly to a hookah, and Mr. Gilmore and Mr. Roberts remained cooling their heels until it should be his highness's pleasure to turn to business, and hear what they had to say. (Renewed laughter.) Wearied out, at length, they desired the mookteear in the case to inform the moonsiff that they were waiting. 'Oh,' said the dispenser of justice, 'are they? Well, let them come on, and give their evidence.' Messrs. Gilmore and Roberts then successively deposed to the facts in their knowledge, and were about to retire, when the moonsiff asked them—'I suppose you breakfasted at Mr. Fraser's this morning?' They replied they had. The moonsiff said—'Of course it was a good breakfast?' (Much laughter.) 'Oh yes,' said the gentlemen ; 'it was a very good breakfast.' (Renewed laughter.) 'And I suppose you will dine with him this evening?' (Renewed laughter.) 'We have been asked.' 'And it will be a good dinner?' 'We shall live in that hope.' (Peals of laughter.) 'Very good, you may go away. I do not believe the evidence you have given. Every word of it is a lie' (loud cries of 'hear, hear, hear') :—and the case was decided against me. It was an unimportant case in itself ; but I did not think it right to submit to such a mode of administering the law, and Mr. Haliday, who was on his tour, happening to be in the district at the time, I sent up a petition to him on the subject. He directed the Judge of Jessore to inquire into the case, and the result was that the delinquency of the moonsiff was made clear. What do you think was the punishment with which he was visited? Suspension from office for three months, and removal to another sphere of action. (Loud cries of 'hear, hear, hear.') That was a criminal case, and the moonsiff concerned in it was only a specimen of the class of judicial officers to which he belonged. If, with no larger powers than they now possess, moonsiffs can abuse their position in the scandalous manner I have described, will the Government invest them with further power? (Hear, hear, hear.) Will it imperil our property, our liberty, and our lives by giving them extended power? (Hear, hear, hear.) Improve your courts : give us courts to which we have been accustomed ; and then we shall be willing to be tried by them whenever and wherever you please. (Hear, hear.) But if you wish to degrade me in my own eyes,—if you wish to subject me to trial by such courts as you now have upon charges of any criminal offence to be found in the statute-book, I say the sooner you order me out of the country the better. With

such a state of things, India would be no place for British subjects to live in ; and as soon as you pass these acts, I leave the country. (Loud cries of 'Hear, hear.')

Will the British public, so prone to give their sympathies to the oppressed of foreign countries—who would even wage mighty wars for the protection of “oppressed nationalities” in Europe,—can, I say, the generous and sympathising public of England refuse to interfere on behalf of their own brothers and children, placed at the mercy of the grasping and inveterate hatred of these Hindoo and Mussulman judges—*because*, anomalous as it may appear, they are a portion of the executive of the Honourable East-India Company? Surely, surely, better things are in store.

Lord Macaulay, totally ignorant as he showed himself of the native character, and knowing nothing of the practical working of the Company's courts while as a “bird of passage” in India as law commissioner, made British-born subjects amenable to native idolatrous judges in all civil matters. That his lordship allowed himself to be decoyed and deceived by the Company's civil servants I have little doubt, and that he might be more ignorant of the consequences than reckless I am ready to admit ; but nevertheless, in my opinion, it is an act which must be an abiding discredit to him.

The Company after this, in 1849, strove (though they fortunately failed in the attempt) to make British subjects amenable to these courts also in all criminal matters. Yes, the Ethiopian cannot change his skin, nor can the Company its policy. Peter the Great, it is said, bequeathed to Russia its present system of action, and no less religiously does the Indian civilian of the present day follow in the steps of his forerunners. No sooner, again, had Lord Canning arrived in India than, before he had time to obtain experience to judge for himself, these abominable acts were laid before him ; every effort was made to pass the measure into law ; and long were the discussions of that incongruous and incompetent body, the “Legislative Council.”

Upon this the meeting I have just referred to was held

in the Town Hall of Calcutta, which was attended by the entire European population of Calcutta and of most of the Bengal provinces, showing the vital interest felt on the subject, when it was unanimously resolved to present a petition to Parliament against the power of the Company for carrying out such acts. A subscription was at once set on foot, and an agent dispatched to this country with the petition, which was subsequently presented to Parliament by Mr. Gregson, M.P.

My long residence in Bengal has given me a thorough acquaintance with the mode of administering justice (if such it can be called) in that province. To go into anything like full details of this feature of the Indian executive would fill a large volume. I must content myself with but a few observations. Instead of certain and even-handed justice, however, which an Englishman thinks about when you talk to him of the law in this country, in Bengal it is a mere lottery. As to corruption, it is no exaggeration to say that in ninety-five out of every hundred cases bribery is had recourse to.

In the generality of cases the civil servant who presides cannot converse in the native languages in which the oral part of the proceedings is carried on, nor can he be understood by the witnesses. Therefore both the judge and those to be judged are in the power, to a ruinous extent, of the *sheristedar* and the numerous native officers of the court.

As for attempting to improve the present system by a thorough knowledge on the part of the civilians of the native languages, on the ground that they *ought* to be every way more efficient for their duties, it appears to me to be idle. The only change that I can suggest which would be a radical and effective one, is the introduction of the English language, with the assistance of a sworn interpreter. This would rid the court of the swarm of native officials. And as to the *necessary* native officers, as well as the *vakeels* and *mooktears*, the natives generally have shown too great an aptitude for acquiring the English language to leave any doubt of their doing so when their bread depends upon it.

As to the expense of having a greater number of Europeans to preside in the courts, I can't see that there need be any considerable addition to the outlay. With the use of the English language, *professional* men coming out from England would be able to enter upon their duties at once, as is the case with the judges of the Queen's Court. And a man who is master of his business will always much more speedily dispose of his task than one who is not so. The present expense of the civil service ought to obtain at least one-third more able men.

The statement "that the average duration of a suit is now reduced to twenty-three days" is a most cruel fiction. I have myself a case pending in the Sudder Court of Appeal, that originated in 1838, and that in an act of the grossest ignorance on the part of the collector of Bhaugulpore that perhaps was ever heard of. It is well known that no decision of a collector touching an increase of revenue upon any estate can be legally put in force until the sanction in writing of the Commissioner of Revenue has been given. Now, in this case of mine, the collector decreed that I should pay an increase of £85 per year upon my portion of an undivided zemindary. I protested, appealing in due form to the commissioner. But when the revenue became due the collector insisted upon my paying the increase. I indignantly refused to do so, whereupon his only answer was, "If you do not pay forthwith, I will put your estate up to auction." And he literally ordered the crier of the court to proceed to do so. Seeing no alternative, to save my property, I was obliged to submit.

My case was all the while before the commissioner, and there it remained from 1838-9 to 1849, without his giving his decision. He had no witnesses to call; he had but to read the papers and write "confirmed" or "not confirmed." Of course all this time I was paying the illegal increase of £85 per year. At last, in 1849, the commissioner mustered courage to look into the papers, and passed an order to the effect that there was "no cause or justification for calling upon me for the increase!!" The collector, however, would *not return* what he had so shamefully extracted from me. I was therefore obliged to sue the parties, whose rents I had

been illegally compelled to pay, for reimbursement. This action took three years, when I got a verdict with costs. In 1853 they filed a petition in the Sudder Court of Appeal, where it has been ever since. Up to the present time the sum involved is upwards of £2,300. Some of the parties I should have recovered from have died insolvent, and my claim, as far as they are concerned, is therefore lost. So much for an average of twenty-three days. If this was an isolated case I would not quote it, but within my own experience I could bring too many others to bear it company.

Whilst living in the station at Bhaugulpore, I declare I have seen witnesses and defendants standing under the trees from day to day for five-and-twenty days at least, without being heard. And I have had very many cases of my own or of my ryots, both in the civil and Fouzdarie, or high police courts, which have taken the former three to four years, the latter thirty to forty-five days.

Such is the *practice* in the administration of justice; what the *theory* of the Government is it is impossible for me to say. As the reader sees how very contrary to the facts so many of the statements in the "Memorandum" are, as far as the experiences I can vouch for go, I must leave him to draw his own conclusions as to what may be the correctness of the remarks in the "Memorandum" which apply to the other presidencies.

Unfortunately, there is little room for exaggeration in detailing the wrongs that India is suffering under. But those who, like myself, seek to make these wrongs known, labour under no small disadvantage, for that people naturally hesitate to believe them.

### *Legislative.*

The only reform in the Legislative Council (introduced since 1854) consists in seats being allowed in the Council to two judges of the Queen's Supreme Court, and—but this only for the Company's own convenience—to two members, privileged civil servants, representing Madras and Bombay. There is the same blind resistance that there ever was to the repeated calls and prayers of the

whole community of India, both to Parliament (see petition of 1858 forwarded previous to renewal of charter) and to the Government in Calcutta, that independent members, native and European, representing the landed, commercial, and industrial interests, should be admitted to seats at the Council Board.

True to their traditional policy, they hug their own selfish interest and unfounded prejudices. Only let us consider who the parties composing the "Legislative Council" are. They are men wholly exempt in property (for they hold none in the country) or person, from the consequences of the laws they enact. They are, with the exception perhaps of the commander-in-chief, all residents in Calcutta, and under the jurisdiction of the Queen's judges. Their only stake in connection with the country is their salaries and pensions. They are as ignorant of the wants and necessities of the masses as they are of the masses themselves. They are, in short, mere "birds of passage."

But nothing is easier than to prove the egregious ignorance of the Council as to the working of laws, which have for many years been sources of oppression to all classes, rich or poor, connected with the soil. Take that most important law of all, the "Sale Law" of 1845, as at present in force; I need go no further. This law relates to the forced sale by Government of estates for arrears of the land-tax, which in principle and in all its main features is the same as the original one enacted *sixty years ago*: no improvement, certainly, has been introduced into it, though it *affects the welfare of millions*; is an organic law: the fulcrum, in fact, upon which, indeed, as far as Bengal is concerned, the whole state hinges. To this law the term "barbarous" may justly be applied.

Will any reasonable man say that statesmen, who so resolutely set their face against all discussion, information, or intelligence, who literally prefer official darkness to unofficial light, have the *welfare* of the country they are governing *at heart*? It would be a libel on the understanding of any impartial, any disinterested person, to suppose that he will say so. No autocratic sovereign of

Europe dare risk his throne upon such a system as that of the East-India Company. He dare not, if he would, ignore the well-being of his country and treat his subjects as mere machines ; everything that is dear to man, his life, his liberty, his fortunes, to be trampled upon and despised.

But enough, the writers of the "Memorandum," with singular good taste, have abstained from claiming praise for any improvement hitherto effected in this important branch of the Indian system—the "Sale Law"—they gracefully pass it over. I maintain that the improvements which are alleged to have taken place, in consequence of the reform in the constitution of the Legislative Council, are virtually negatived from the fact that the parties admitted do not live under the laws they enact, and are not in a position to know even how they work.

### *Police.*

One of the greatest curses of India is the state of its police. This subject is opened in the following words (p. 40) :—"In India, rather than incur the trouble and annoyance of appearing as a prosecutor or as a witness, a man will even forswear himself to screen the man who has robbed him. The injury he has suffered is looked upon as the decree of destiny, and among such people there is only the police for bringing criminals to justice."

As the "Memorandum" avers causes that every person who has lived much among the natives will concur with me in asserting are not the real ones, I will endeavour briefly to give my view of what the causes are ; and I will venture to say my statements will be backed by the evidence even of many unprejudiced civilians, if the evidence of Mr. Halliday himself, the Deputy-Governor of Bengal, indeed, on this point be not more than sufficient.

I have known many robberies and other more heinous crimes committed in villages, some belonging to myself, which have never been denounced to the police or to the European magistrate, and why ? Because if they had been, the sufferers knew full well "the

“cure was worse than the disease.” They knew that, immediately those rapacious scoundrels—the police darogahs, with their myrmidons—would pounce upon all the village people, without distinction, as their prey. The innocent accused for the purpose of extortion—men quite unable to act as witnesses threatened, for the same purpose, to be marched to the station, perhaps forty or fifty miles off. And when they get there to be put to every kind of privation, abuse, and ill-treatment, for days or weeks, as the case may be: the nazirs and other higher kind of officers here holding sway.

But more than this, I can prove that *torture*, of a description which I would refrain from mentioning, is freely made use of by the native police authorities. I will, however, take the liberty of again quoting from the speech of Mr. Kenny, who gives a vivid illustration of the practices I allude to:—

“Many things have been brought forward to-day against the innovation proposed to be foisted upon you; but there is one thing which you have heard nothing about, and that is the working of the Company’s courts as they now exist. (Loud cries of ‘hear, hear.’) I shall illustrate that working by two or three cases which I know to have occurred in different courts. The new code of criminal procedure provides that, whether as to native or European, magistrates should have power to imprison for a term not exceeding two years, or fine to an amount not exceeding 1,000 rupees; that principal sudder ameen should have the power to imprison for a term not exceeding one year, or fine to an amount not exceeding 200 rupees; and that moonsiffs should have the power to imprison for a term not exceeding three months, or fine to an amount not exceeding 50 rupees. Those are the powers which it is proposed to confer upon these courts. Now, let us see how principal sudder ameen and moonsiffs, and the darogahs subordinate to them, work with the comparatively limited power which they at present possess. A short time ago the body of a boy was found hanging on a tree in my village. The circumstance was reported to the darogah, and the darogah reported it to the magistrate. The magistrate jumped to the conclusion that the boy had been murdered, and sent the darogah an order—to do what, do you suppose? Either to find out the murderer in seven days, or to come to his (the magistrate’s) court with the seal of his office in his hand. (Loud cries of ‘Hear, hear, hear.’) The darogah looked around him to see what he was to do. He knew



that the boy had committed suicide ; but, under the magistrate's order, he must treat the case as one of murder, and must put forward some one as the murderer. (Hear, hear.) After some reflection, his choice fell upon the master of the boy. The master thereupon was accused of the murder, and was taken by burkundaues to the darogah. The darogah required him to confess that he had hanged the boy : he would not confess, and the darogah tortured him to make him confess. But he would not. He had not hanged the boy,—why should he ‘confess?’ The darogah then looked about him once more, and pounced upon a poor widow woman living in the neighbourhood of the place in which the body of the boy was found hanging, to give evidence that she had seen the master hang the boy. The woman knew nothing about the matter, and said so. As she persisted in her statement, she was tied down, her hair was pulled out by the roots (great sensation), the fume of burnt chillies was put up her nostrils, and, horror to say, pounded chillies were introduced into her person. (Very great sensation.) Under all this atrocious treatment, the poor woman at length said that she had seen the master hang the boy. That statement was taken down, and the master and the ‘witness’ were forwarded in custody to the magistrate. Before the magistrate, the woman denied that she had seen the master hang the boy, and said that the written statement which the darogah had sent up as her evidence, had been extracted from her under torture. The magistrate released the accused and the witness ; and what do you think was the punishment that was awarded to the darogah for his atrocity ? A slight reprimand, and a recommendation to be more careful in future ! (Loud cries of ‘Hear, hear, hear.’) ”

The result of all this is, that the fear of the approach of the darogah very often causes a village to be completely deserted. Of course, when he does arrive, he is in no great hurry to finish his business, for he levies “black mail” on all sides, and lives, he and his, on the fat of the land.

Call we this state of things the “decree of destiny?” If these be the words which the “Memorandum” puts into the mouths of the “poor submissive” subjects of the East-India Company, perhaps we shall be told next that these atrocities of its paid servants, “*destiny* renders the Company helpless to avert.”

It is this frightful system of police operation, combined with the state and working of the courts, as I have already described, which

constitutes the true reason why crime is concealed and the ends of justice defeated.

Another part of the police subject ought, however, to be noticed ; that is, the "getting up of cases," and the fabrication of false charges. The great principle brought to bear here I need scarcely say is bribery. A most dreadful case of this kind came under my own observation, for I went to protect the factory the day following the arrest of the gentleman, some years ago. A false accusation of *wilful murder* was made against an Englishman, an indigo planter's assistant. The accusers stopped a dead body that was being carried to be burnt or thrown into the Ganges. They cut and hacked it, besmearing these *post mortem* wounds and most of the body with the blood of a kid ; got up a simulated row in a field close to the factory, and then proceeded with the dead body to the darogah, accusing the Englishman of having instigated his people, and himself taken a part, in an attack upon the opposite party's ryots and people, the horrid corpse being the result.

I forbear to mention the *treatment* that Englishman received before he was released from the hands of the darogah ; but it would go to rival some of the late atrocities perpetrated upon our countrymen. The parties gained their object, the persecution of the Englishman ; and the darogah was well paid for the job.

But the "Memorandum" goes on to state, "With the view to the correction of these evils in Bengal, higher grades of sub-divisional police officers have of late years been created, and their pay has been increased." (Page 41.)

The only change then in connection with the police subject that has been made, and that, I think, a most ineffective one, has been—according to the "Memorandum"—the dividing the darogah into three classes, and in increasing the salaries of the two higher classes. And what is the obvious result ? That where darogahs or their followers are to be bribed, which is in nearly every case, as admitted by the Deputy-Governor of Bengal, the same amount which used to suffice does so no longer. Their demands have been raised to

correspond with the increased importance of their grade. Darogahs that when all were equal were content with £4 or £5, must now have at least £8 or £10. Do I go beyond the truth, then, when I deny that there is any improvement here?

As a matter of course the reform of the police in India was stayed by the rebellion, which surprised the authorities. "in the very crisis of their deliberations on the subject." (Page 39.)

They were *deliberating*, but at the "eleventh hour."

A portion of the remarks I have made respecting the police comes in the "Memorandum" under the head of "Prison Discipline;" but they are a much interwoven subject.

The medical branch of the Company's service is, in practice, much more independent than the civil branch, and in all the stations much of the discipline and most of the sanitary regulations rest with its members. The members of this branch of the service certainly seem to take a greater interest and to show more zeal in the discharge of their duties than do those of the other branch. Their independent position enables them to remonstrate with the authorities in charge of gaols, and I attribute chiefly to this cause the state of the gaols with which, judging from those I have seen, I have no great fault to find.

The prisoners indeed, more particularly those who work on the roads, are—generally speaking—better off than the poor cultivators and labourers, for they do much less work than the latter, whose material existence is positively on a lower scale, without any fault of their own.

### *The Suppression of Piracy.*

The trade between the Persian Gulf and India is principally carried on by the natives of these localities, our own subjects are little drawn into it. The Arabs purchase large ships, mostly old and worn-out—condemned perhaps by the British merchants of Calcutta and Bombay—and certainly many of them are commanded

by Englishmen as recognized abler seamen ; but I never heard that piracy in those parts had ever been a great obstacle to trade.

*Infanticide.*

I cheerfully admit that the late Governors-General have shown not merely a desire to see this awful crime abolished, but have really exerted themselves, with independent and other native states, to obtain its effectual suppression ; but the practice is a deep-rooted one, and will take long to eradicate.

*Suttee.*

Under Lord W. Bentinck this horror was abolished ; but to show how little weight the step taken by the Indian Government has had with the independent native princes, I may mention that no less than three of the widows of Runjeet Sing were consumed on the pile, though he died without leaving a son other than an adopted one, who is now in England.

*Abolition of Slavery.*

This is a high-sounding announcement, and naturally a very attractive and popular one in Britain ; but I confess that I never knew that *slavery*, as we understand the term in this country, existed in British India. Cowases, consisting generally of children of very indigent persons, who are unable to provide for them, are taken into the families of the wealthier, to whom, in course of time, they become confidential servants or dependents, and are looked upon as part of the family. This may be in the eyes of the Legislative Council slavery, but I think it can scarcely deserve the name.

*The Marriage of Widows and Civil Rights of Religious Converts.*

“ By an act passed in 1856, another great inroad has been made on Hindoo prejudice, by legalizing the re-marriage of “ widows.” (Page 51.)

As far as results are taken as an evidence in favour of an act, this law is a perfect blank. Those only can really appreciate such questions as this, who have long resided among and become acquainted with the morals, habits, and prejudices of the natives. If I am not much mistaken, somewhere about the time this enactment was projected, offers of reward were publicly made, in the shape of large sums of money, to any Hindoo who would marry a widow' and I think I may venture to say that *none ever came forward to claim the reward*. No law can interfere effectually in such a matter as this. Unless you use violence to chain a Hindoo to a widow, you might as well pass a law to compel the Hindoo to eat beef at every meal or the Mussulman to eat pork.

The origin of Suttee arose, I apprehend, partly from that—though to Europeans little known—ceaseless, I may call it barbarous, jealousy, which appears to survive almost the material death of the Hindoo; for his very religion has led him all his life to expect his widow will immolate herself on his funeral pile, that he may die under the conviction that she whom, at the age of from three to nine years, he had taken for his wife, should descend to her grave undefiled by the contact of any other man.

People in this country have little knowledge of the patriarchal state which rules in the families of Hindoos among the higher classes. To the poor widow death would undoubtedly be almost preferable to life. She becomes morally dead—she is looked upon as a base, worthless, and degraded thing, a mere sign of body and soul still remaining together. Until we can destroy caste and such deep-rooted convictions as the Hindoos have as to what is clean and pure and what is loathsome and impure, all legislation on the subject will be powerless.

In the same way, a convert to Christianity is a perfect outcast: neither his father, mother, brother, sister, or any friend who, up to the time of his conversion, held him in the most affectionate regard, will hold any intercourse with him,—much less allow him to reside, eat, or drink with any of them; nay, they would not tender him as much as a lota of water to save his life.

It is not for me to say whether the innovations mentioned in the "Memorandum" are wise or not, doubtless they are the promptings of well-meaning, though ill-informed Christian people in England; but I am firmly of opinion that, independently of missionary effort, a systematic indoctrination of the Hindoo with the English language, and information of what exists in more civilized western nations—of the habits, laws, resources, and power of England—will exercise a most beneficial effect upon him.

I do not observe in the "Memorandum" under this head any notice of legislation with the view of suppressing the revolting practice of the "Koolin Brahmins"—a numerous class of men who actually travel about the country marrying one wife after another (whom they may never see again), wherever they please, for the sake of ennobling them. There is surely room here for some enactments, such as the "Memorandum" takes credit for, with reference to other religious features of the Hindoo religion, so shocking to Europeans.

space while we inquire how far the Company has done what it has here acknowledged its duty imperatively to do.

If the great works of which the Company pretend to have inherited the ruins only,—and I have seen many of the roads, tanks, and irrigating works alluded to,—were allowed to fall into that state through wars and military devastation, I must say the country has not much benefited by the substitution of the Company's rule; for most assuredly the Company has never let the country repose from a succession of unjustifiable wars upon which they have consumed its resources. So that not only have they not kept these valuable works in repair, but more especially have they failed to create new ones.

No works in the shape of canals—whether for the purposes of irrigation, or internal communication to improve the trade between the Upper Provinces, Bengal, and Calcutta—have ever been commenced in Bengal.

I have not much acquaintance with the other provinces, where it is said great canals have been repaired and new ones made; but if this be the case, why, it may reasonably be asked, have they not proceeded with zeal and energy elsewhere where so imperatively demanded?

As to capital, the "Memorandum" admits (page 54); "That on certain canals the expenditure incurred amounted to £557,000, while the amount received in direct canal revenue was in all £546,000." The Punjab Canal expenditure, one million sterling; direct canal revenue, £120,000—length of the work, 450 miles. I fancy the increase to the land-rent to the Company will also be very considerable, as admitted in similar cases. (See Coleroon and Cauvery, and Godavery Anicut, page 58.) This is all very good; but where is the canal from Rajmahall to Calcutta, for which there has been such an outcry for so many years; or for keeping open one of the three rivers, leading from the Ganges towards Calcutta, for the transit of the immense mass of produce, the imports and the exports of Calcutta? For the want of these a circuit of 300 miles out of the way has to be described; and upon an average,

ten days is lost, without taking into account the greater dangers and risks that are incurred.

What we read in this chapter regarding the splendid undertakings *projected*, would appear to amount to simply this—"If you will but forgive us this time, we promise to be niggardly apathetic and indifferent no more, and in three or four years we promise that all we have left undone for generations past shall be indeed accomplished."

Unfortunately such promises of improvement have so often been made and violated, that all reasonable men have ceased to hope.

See how the Company has acted under circumstances similar to those they allege against the King of Oude!

Happy would all those deeply interested in India, like myself, be if we had no better founded claims for demanding the abolition of the Company's "raj" than the Company had for *putting aside* the King of Oude.

But to return: "The plains of India," says the "Memorandum," page 60, "are traversable by carts and even by armies, without made roads throughout the *dry season*;" and again, "Roads, therefore, in India, were not, as in some countries, a matter of absolute necessity."

This is truly a "cool" way of disposing of the "hot" plains of India.

Is it then indeed the fact that *Bengal*,—our earliest acquired province, the richest and most fertile, the most densely populated,—that which yields, directly and indirectly, the greatest proportionate revenue to the Government,—the most commercial province, that which contributes a tax double in proportion, upon salt, to that of any other part of India,—that province which alone contributes five millions sterling to the opium monopoly,—that province which produces all the valuable silk crops, nine-tenths of all the indigo on that side of India, and which does not absorb 5,000 troops to guard it; which yields a stamp revenue far exceeding any other province, or a number of them put together,—a province inhabited not only by a far greater proportion of the more wealthy and intelligent, but



also by the more quiet and submissive of the population of the empire,—is it indeed the fact that no roads are required here?

Well, then, I say the plains of England are just as traversable by carts and by armies. Yet we have spent millions on making roads in England, and millions on railroads. But Bengal, the “jewel” of the Honourable East-India Company, possesses neither commercial roads, nor roads for ordinary purposes; and as to its railroads, they are but in the “womb of futurity.”

The only made road in Bengal is that part of *the* “trunk-road,” 420 miles from Calcutta to Benares, so purely a strategical one to answer the purposes of Government, and no more, that for more than half the distance it runs through a wild rocky jungle, and almost uninhabited country. There may be other smaller roads *round the civil stations*, but they are merely to afford the civil servants a drive in their carriages and buggies. There is also one, and it is one of the finest in the world, to the Governor-General’s country-seat at Barrackpore. But all this time there is no road from Calcutta to Dacca—the Manchester of Bengal—150 miles from Calcutta, in the midst of a densely-populated and highly-cultivated country. Nor yet is a road to be found to the great commercial manufacturing town of Moorshedabad, not 100 miles from Calcutta, seated in the very heart of the silk districts, indigo plantations and factories, and possessing a population of 300,000 souls. Nor does Moorshedabad either possess any water communication for nearly eight months in the year.

These are facts which cannot be gainsaid; *à fortiori*, then, if such things be in the most valuable and profitable province in India, may we not be excused for feeling sceptical when we read in the “Memorandum” of the wonderful things said to have been done, or about to be done, in the poorer, less fertile, and less populous provinces, with their large standing armies.

What little I can speak to in the way of experience of these provinces, most certainly does not go to remove my incredulity.

In the journey which I made (before referred to) from Bombay to Calcutta, I stopped a short time at Poonah, and again a short

time at Hyderabad. Beyond Poonah to Shoolapoor I can scarcely say there was a road, and thence to Hyderabad worse still. Through this independent native State, however, I found roads, though perhaps they might be better. But on again coming into the Company's territories, under the Madras Presidency, up to Juggernaut, I saw portions of what must have been at one time magnificent roads, fine large trees planted in line on either side ; but they were all in an imperfect, impassable condition, and there were *no* signs of others. I was therefore carried through waste lands and rice fields, as well as through water, the palanquin (and I in it) having to be placed on the heads of the bearers to keep me dry. I then had to go along the sands for a long distance, the sea washing up to the feet of the bearers.

At last, fifty miles before reaching Calcutta, I came to a sort of road I afterwards found was the Midnapore district. My petarra, or substitute for portmanteau, was abandoned by the carriers and plundered by some village people, and I arrived in Calcutta with nothing but my shirt and pajamas. So much for the comfort of travelling in the dominions of the East-India Company.

I made it my business, as I have already remarked under the head of "Customs," to institute inquiries in every town and village where I had an opportunity throughout this journey, and I was satisfied that not a tithe of the quantity of British manufactures which *might* find a market found their way into this extent of inland country, and which the natives would gladly see reach their doors. Were there easy means of transit, either by land or water, this would be the case ; but unfortunately both are wanting. Let the reader only reflect for a moment the effect on our home manufactures and glutted markets were these wants even *partially* supplied ! I would ask the manufacturers and merchants of England to consider these things, and inquire for themselves.

It is a reflection upon their intelligence and enterprise if they allow themselves to be imposed upon and kept in a state of dark-

ness upon such a subject as this any longer. I therefore appeal to *them*. To put forth the comfort and welfare of the Indian population, we find by experience is an argument that has little weight.

The "Memorandum" says (page 60), speaking of the native governments, "It was never their practice to lay-out money in the "construction of permanent roads." What may be meant by "*permanent*" in this paragraph I can't say; but I think we have seen that at any rate these native governments have as much to show for it as the East-India Company. No road is "*permanent*" enough never to require repair, yet the Company has sought not to *preserve*, by repair, the roads *formed for them*.

We are told (page 66), "But the extraordinary activity with "which these operations have been carried on dates from 1850." Now, will the public be justified in trusting to this? I think not. This chapter, this defence of the Board of Works, as it may be called, is cleverly, nay artfully, drawn up. It may serve to quiet the conscience of an honourable proprietor, but I sincerely trust, for the sake of British India, it will not exercise the same effect over the British Parliament and people.

### *Railways.*

The next point in this chapter is the subject of railways:

"The construction of railways is carried on by private capital, "with a guarantee of interest by the Government." (Page 67.) Admitting this to be the case, it is clear the Company cannot aver the want of pecuniary means. Therefore, all that was required of them was earnestness and energy of purpose; speedily to see the preliminary surveys were carried out; to fix upon the various courses the lines were to follow, and to adopt the best plans submitted; then zealously to resolve to attain the beneficial results so prominently brought forward under this head.

But after all these fine projects so temptingly announced—these 4,158 miles of railway, with a capital of £34,231,000!—where are they? For many years has India been tantalized with the

promise, and anxiously looked, at least, for some partial fulfilment. Would it not have been wiser if a less gigantic object had been thrust before the public. The public will naturally look from magnificent announcements to see proportionate performances. How miserably, then, will they be disappointed!

What would be difficulties or obstacles of little moment with a private company, in works of this nature, become under the supervision of the East-India Company apparently insurmountable. This in a great measure is owing to the complications thrown in the way, precisely similar, indeed, to those stated in the Bill now brought into Parliament to exist in the relations between the Imperial Government and the Court of Directors—the Secret Committee and the Board of Control; with the addition, that in these railway matters many other interests are brought to bear. I may here refer to the complaints of that very able man, Colonel Kennedy, chief superintendent engineer of railroads on the west side of India.

But let us take one division of this “mountain in labour”—this 4,158 miles of railway—namely, the East-India Railway, 1,400 miles, capital £12,731,000. I was in Calcutta when the first sod of this undertaking was turned. To the best of my recollection this was in 1849. In January, 1855, I assisted at the opening, at Burdwan, of the 121 miles to Ranneegunge. We were promised then that it should be completed to Benares in four years, and to Rajmahall, a point most anxiously desired by all the trading community, in a year and a half; but not a mile has since been opened.

Now, any one acquainted with the portion of the country through which this line runs, will support me when I say that it is a flat level, mostly an alluvial soil—no great bridges required, nor tunnels; no rocks, or indeed any of the common obstacles of a railroad to contend against; nothing but a mere embankment to throw up, and a few brick-built bridges for the passage of the rain water and in event of extraordinary inundations, which seldom occur in this part of the country.

Every facility, in the prices both of material and labour, are

presented. I have had occasion to construct large buildings on my properties in different districts of Bengal, and the contract price I paid for bricks, burnt on my premises, was £30 per 100,000. For masons, I paid eight shillings a month; coolies, for unskilled labour, such as cutting and carrying earth, five shillings per month; and for a cart, with a pair of bullocks and driver included, sixpence per day. But still this railway has stuck. Is there no neglect or indifference chargeable to the Company here?

Where is the great capital they have received from the shareholders? I am informed by parties holding bills in connection with the railway works, long outstanding, of which they cannot obtain payment in Calcutta, that it is *in consequence of the contributions raised of late in England and elsewhere having been applied by the East-India Company to their ordinary and current disbursements*. Well may they have taken eight years to construct 121 miles! The "rule of three" will tell us how long they will require for the 1,400 miles. In ninety-two years they will have accomplished this portion of their magnificent scheme!

Is it to be credited that, in the face of the actual facts as they are, any one would have the hardihood to take up a huge fiction like this, and parade it before the eyes of the British public? What confidence must they not indeed have in not merely the existence, but in the continuance of that fatal ignorance and apathy so long exhibited by the Parliament and people of Great Britain in connection with all that concerns India? I will ask any impartial reader to peruse the following paragraph, which ushers in the pompous announcement in the "Memorandum," and I leave it to him to say if the inference is not to a casual observer, who knows nothing personally of the matter, that India, if not already to a great extent become, is rapidly becoming a complete network of railways? The paragraph runs thus:—"Four thousand one hundred and fifty-eight miles of railway have been sanctioned, and measures are being taken for their construction under a "guarantee of interest." Then follows the list of railways.

"We must not forget also that had the section of 130 miles, from

Ranneegunge (of late become a depôt for our reinforcements) to Rajmahall, on the Ganges, been completed even in two years and a half, instead of eighteen months, as promised, our troops would have accomplished the distance in twelve hours, without the fatigue or privation they have had otherwise to endure; and the steamers could have conveyed them thence to Mirzapore, Benares, Allahabad, or Cawnpore, in a week or ten days, according to distance; whereas the journey from Calcutta to these places now is all but a month.

How many a pang, how many a valuable life might have been spared! The tragedies of Delhi, Lucknow, and Cawnpore might never have become history had not the East-India Company, with all their boasting—their parade of grand schemes and projects—been found, in the year 1857, with no other means at their command to transport the Queen's troops, in their hour of need, than bullock carts—at the rate of eighty men a day, to commence with, until they managed to increase it with difficulty to 150 a day.

From inquiries I have made from well-informed sources, it would appear that no better progress has been made in either the presidencies of Madras or Bombay. Indeed, I observe in the "Memorandum" (page 70)—"Bombay to Callian, thirty-three miles, commenced in 1850, completed in 1854." This is even worse than what we have just seen on the Calcutta side, being less than *ten miles a year*.

Ingeniously worded, however, as this chapter in the "Memorandum" undoubtedly is, I confess I think it is rather a weak point, an omission as it were, in the otherwise *fencing* manner in which the whole subject is treated, to put forward, so prominently, the very handsome profits that have arisen from the capital that has been laid out: in the inconsiderable and mere fractional portions of the works that are completed. For instance (page 72)—"The line from Calcutta to Ranneegunge is already earning a profit of nearly *seven per cent.*, being *two per cent.* beyond the *guaranteed rate of interest*;" why, if anything can enhance the blame that attaches to the Company for their supineness in all these affairs, it is such a result as this. They have not the justification or excuse

which governments or corporate bodies may often have, that they are going into a speculation—a matter involving a sacrifice, with the possibility of no return to the treasury: the East-India Company have here no such plea.

I eagerly and gladly hasten, however, in concluding my observations under this head, to bear testimony to one good work completed by the Indian Government. The promptitude, perseverance, and energy displayed by Dr. O'Shaughnessy in establishing the *electric telegraph*, under the liberal support of Lord Dalhousie, is deserving of all praise. But it is but another proof, that if the East-India Company had really possessed earnestness of purpose, difficulties would have been speedily overcome.

## CHAPTER IV.

## EDUCATION.

TREATING this subject generally, I desire to express my firm belief that until English is introduced into every primary *village school*, frequented by the little naked urchins from four to five years of age to eight and nine;—into schools of a higher grade also, established in all civil and military stations, and carried into colleges and universities with diplomas attached to its accomplishment;—till this is done, in my opinion, no progress, certainly no substantial progress, in native education can be expected.

In the English language will be found the most powerful engine to the spread of civilization and Christianity. The missionary should within the just limits of his sphere carry the Scriptures in his right hand, and the elementary history of England in his left. As I have already remarked, in suggesting the adoption of the English language in the courts of justice, the natives show a remarkable aptitude for acquiring our tongue. At present they are not without incentives to this acquisition, and it is undoubtedly the bounden duty of Government to place every opportunity within their reach that can assist them.

Take, for example, two brothers of a Calcutta family: one confines himself to the possession of such knowledge as may fit him for the situation of clerk or accountant in a native establishment; the other, having more ambition, attends the schools where English is taught, till he becomes able to write and copy letters in English, as well as to keep accounts. His monthly pay for the same amount of work will be from Rs. 25 to 50, whereas his brother will be earning but from Rs. 10 to 15, without any



prospect of increase. I need not say there are thousands of natives employed in the Government and mercantile offices. In the Mofussil I have never paid my *native* English writers less than Rs. 30, and sometimes Rs. 40, a-month, while native writers only might be obtained for Rs. 8.

I would have it proclaimed by Government that after a reasonable lapse of years, all candidates for Government employ, in whatever capacity, will be required to undergo an examination in English. I would include in this category all *employés* of the courts; even the darogahs should not be exempted. The benefits that would thus accrue to every one who is brought, directly or indirectly, under the influence of the courts, would be incalculable.

The introduction of our language would of course bring with it a study of our history. The natives would look upon us in a different light to what they ever did before. The intimate acquaintance they would thus acquire with ourselves, our manners, our customs, our power, our energy,—the vast resources and indomitable perseverance we possess,—would be certain to command their respect, and we may indeed, without being over speculative or sanguine, look to the gradual spread of the Anglo-Saxon tongue amongst the vast population of India as the key-stone to a hold over that country, which we have never yet possessed.

It would do more than aught else to open up that “intercourse” between native and European, which every student of history knows is indispensable, by the production of kindly feelings one with another, to that ultimate engrafting and cementing, as it were, that must take place to a certain extent between aliens in blood, in religion, and in habits, before the conquerors can be really said to have conquered.

Yes, it will do more than aught else to the bridging over of that gulf, that fatal—indeed we may *now* call it—gulf which has ever existed between us.

Do we need a more powerful commentary upon what is here suggested, than in the wide-spread and still unextinguished rebellion?

## CHAPTER V.

### MISCELLANEOUS IMPROVEMENTS.

I was residing in Bengal and possessed of landed estates there long prior and subsequently to 1840, and in a part where most of the ryots cultivate a small patch of land in *cotton* ; but I never heard, as stated in the "Memorandum" (page 85), of any "experienced" cotton planters from the United States" being engaged in any part of Bengal, "to conduct, on account of Government, the experimental cultivation of superior kinds of cotton ;" yet many districts of Bengal grow a considerable quantity of cotton for exportation. I can state positively that this presidency is susceptible of producing the *best kinds* of American cotton, if good seed be sown ; indeed, last year a gentleman who has bestowed great attention to the subject, brought to England a small bale of beautiful cotton, grown in the vicinity of Calcutta. He submitted it to the brokers and manufacturers of Manchester, who valued it at 8*d.* to 8½*d.* per lb., giving a very favourable report upon it. I have in my possession a small muster of that cotton.

Last summer I stated to the "Cotton Supply Association," at Manchester, that if they would forward good American seed to Calcutta, sufficient to sow three hundred acres, I would undertake to say that the merchants, agents, indigo planters, and others, would gladly join to see that it should be distributed to plantations where it would receive a fair trial throughout Bengal ; and I offered myself to sow ten acres. The committee were expecting seed from America, and accepted my offer ; but subsequently, owing to the continuous disturbed state of the country, they have

been induced to refrain for the present from putting their intentions into execution.

To encourage our view of the possibilities with cotton culture, we have the results before us with English and other European vegetables, since fresh English seeds have been yearly sent out to Calcutta. I will challenge Covent Garden to produce finer vegetables of all kinds than those which have been exhibited annually in Calcutta for the last fifteen or twenty years. But to look again at a more tropical production, we have but to refer to what the exertions and perseverance of the "Assam Tea Company" have met with. Their success has been wonderful. In 1856 they imported into this country no less than 700,000 lbs. of tea; and I believe that this last year, unless their properties have been interfered with by the rebellion, the Company will be found to have imported a million of pounds.

No one unacquainted with the country where this tea is grown, its inaccessible and unhealthy character, and the impracticable nature of the inhabitants, can at all appreciate the success of the Assam Tea Company; nor can he render any adequate justice to the labour and perseverance so resolutely employed in the face of enormous difficulties.

And it is by no means an unimportant matter for our consideration, now that this company has so satisfactorily established itself, what may be the results? Tea has become in England so much a necessary for all classes, that the prospect of another source of production being created which must ultimately have the effect of materially reducing the price to the great mass of its consumers, is surely no light matter; when we add to this the positive benefit, likewise, which its cultivation will confer on the commerce of India, I think the Assam Tea Company may fairly lay claim to place their enterprise among the "improvements" in British India.

The "Memorandum" would lead the reader to infer that the tea now produced in India is cultivated by the Company, for it begins the notice of "Tea" by saying (page 86): "The Assam tea has been brought into regular cultivation;" and throughout

the notice, not a word is said of who are the real producers of it. Had the Company done half as much for establishing the cultivation in Assam as the British settlers, half-a-dozen pages of the "Memorandum" would not have sufficed to recount the importance of what they had done!

And again, when on the occasion of the late discussion in Parliament, the Chairman of the Court of Directors referred to "the plains of Bengal covered with flourishing crops of indigo and tea;" I take it for granted also, that the House of Commons was to give the Company credit for these "flourishing crops," all the while that they are entirely the results of the efforts of British independent subjects.

During the Russian war the resources of India were never more conspicuously manifested than in the production to an almost unlimited extent of jute, oil seeds, particularly linseed, and even tallow, besides numerous other products.

Six or seven years ago, two gentlemen, with one of whom I am well acquainted, set out for the Assam country, having the support of several men of capital in Calcutta, with the view of working mines of the coal which had been discovered in that neighbourhood.

This coal, specimens of which had been experimented upon at the Mint in Calcutta, was of a most superior description.

After spending two years on the spot, in the midst of every hardship and privation, and with a most unhealthy climate to contend against, they managed to bring to the surface large quantities of beautiful coal of a quality far exceeding in value any yet found in India; but notwithstanding all their labour, and though they had erected the requisite expensive machinery, they were compelled to abandon the enterprise.

The means of transit at their disposal—namely, water carriage, which was very circuitous, and that only for a portion of the year,—they found absorbed more than the value of the coal.

Through the utter want of *roads*, and from no other reason, is it that this most promising undertaking has been given up.

The reader may say, How then has the Assam Tea Company

been made to pay? The answer will be obvious if we consider the relative value of a pound of tea and a pound of coal.

I believe that India, in her variety of soil and climate, is capable of producing almost anything, and to a fabulous extent. The British merchant, the British manufacturer, nay, even the people of India themselves, may live to be astounded at the immensity of its resources. But the "order of things" must change; the present system of government and its policy is subversive of all attempts on the part of independent British subjects to improve the country materially or socially. It is a clog to their enterprise, cramping and thwarting it on all sides.

It lies now, a solemn duty, at the door of the Parliament and people of this country to burst open the floodgates of India's wealth. What says the "Memorandum?" "The Paris Exhibition of 1855 "has vastly extended the knowledge accessible to manufacturers "and merchants of the numerous articles suited to the European "market, and capable of being imported in any quantity, which"—mark the words—"only await the necessary attention and the "necessary funds on the part of enterprising individuals."

Can this "Memorandum" be really written in England and by Englishmen? Is it not a "proverb," that wherever a fair return can be procured, there British capital will find its way; to every quarter of the globe, whatever the climate or the danger? To state that "these numerous articles suited to the European market ONLY "AWAIT the *necessary attention and the necessary funds*," is as great a fiction, as undoubted a perversion of the actual truth, as ever was published in the face of day.

What these valuable productions "*await*," and what the British merchant "*awaits*," are the *ordinary means of transport*! What the British capitalist "*awaits*" is a radical change in the system for the administration of justice in the interior of India, which affects so seriously the tenure of land. The "enterprising individual" pictured in the imagination of the "Memorandum" will put a different construction on what is "*enterprise*" to what it would seem the Honourable Company would do. He desires to be

assured that his investments and his undertakings will be safe, as far as the law and the police can make them so. But, as we have seen clearly beyond a doubt, the law of the Company is powerless to give him this assurance.

Is there any lack of capital to be advanced on property in Calcutta? We know that there is not. But we know also that no capitalist in Calcutta will advance a single rupee in loan to a planter or any one in the interior, whether it be for bringing out the resources of the country or otherwise, without a written undertaking from the borrower that in the transaction he holds himself amenable to the jurisdiction of the Queen's Supreme Court in Calcutta. Can there be a more decisive or practical commentary on the security afforded by the Company's Mofussil Courts than in this fact?

But if further illustration is required, it is to be found in the fact again, that where money is to be obtained in Calcutta to any extent on mortgage or other securities, at five and six per cent., for Mofussil purposes few, and those only among the most adventurous, can be persuaded to advance their capital upon like security at fifteen to eighteen per cent.

## CHAPTER VI.

FURTHER CONSIDERATIONS SUGGESTED BY THE "MEMORANDUM,"  
BUT NOT ALLUDED TO THEREIN.

I HAVE now, before bringing the remarks in this pamphlet to a close, to beg my reader's attention to a brief notice of what, in my humble opinion, are not unimportant considerations in connection with what has gone before ; and, though *not so much as alluded to in the "Memorandum,"* to me are natural suggestives from the perusal of that document.

The "Memorandum" proposes to set before the English public the details of what the East-India Company has done during the last thirty years for British India ; and I venture to hope I shall not be thought out of place, if I here, in justice to that respectable but ill-treated class, the "*British settlers in India,*" give a short outline of what they have done for that country, and what they have not done, to deserve the treatment they have systematically received at the hands of the East-India Company.

There has always been a sort of inveterate jealousy on the part of the East-India Company against the English settler. To describe how this bitter feeling finds *vent* would fill a pamphlet of itself. Suffice it to say, and to borrow a vulgar phrase, the endeavour has been to make the country "*too hot for him ;*" in short, to drive him out of it. Since 1834, however, and concurrently with the "freedom of the press," the Company has somewhat shifted its ground in this respect, and they have lately acted under a constant feeling of apprehension of losing their exclusive patronage.

What was the cause of the disgrace Lord Metcalfe fell under from the Company, but his noble act emancipating the "press" in India? That act which alone has had the lion's share in obtaining whatever practical improvements have taken place. The liberty of the press has always been dreaded by the Company! They could not brook a co-existence. Their privileged servants winced under its observations, or comments upon their acts. But above all, they feared and hated the press, lest, through it, the public in England might be brought to open their eyes, so long and so pleasantly closed, to Indian politics.

Does the reader think I exaggerate the animus of the East-India Company against the British settler? Let him ask himself what construction, leaving every other matter out of the question, he would put upon the determined efforts made by the Government of India, as I have already shown in the chapter on "Judicature and Legislation," to deprive the British settler of the Queen's courts, and hand him over to native and idolatrous judges? I say the settler, because every one connected with the Government is to be exempt from the operation of the proposed acts—acts so justly stigmatized as they are in Calcutta as the *Black Acts*.

I gladly refrain, however, from adding here any further remarks of my own; but I earnestly beg my reader's careful perusal of the following extracts from the celebrated speech of Sir Arthur Buller, for nearly fifteen years one of the judges of the Supreme Court, delivered by him in the course of the debate in the Legislative Council in March last, when the Government made their last attempt to pass the "Black Acts" into law. Anything that I could say more upon the subject is much better stated here by Sir Arthur. His remarks are so much to the point in placing the matter in its true light; they so justify in every respect, as I consider, the spirit of my own observations throughout this pamphlet; they so clearly exhibit the relative positions of the Company and the British settlers; so nobly vindicate the rights and the claims of the latter at the hands of the Government of India, that I cannot feel any apology is necessary for



transcribing, almost in *extenso*, the manly and straightforward sentiments of the learned gentleman—

*Mr. Peacock* begged to move the second reading of the Bill for extending the jurisdiction of the Courts of Criminal Jurisdiction of the East-India Company in Bengal, for simplifying the procedure thereof, and for investing other courts with criminal jurisdiction.

*Sir Arthur Buller* then rose and said :—"I had intended to have relied entirely on the understanding that no member was to be considered as pledged to any part of this Bill by his vote for the second reading of it, and to have abstained from expressing any opinion until it should have come before the Council in committee ; and it is now only with reference to that part of the bill which affects the present privileges of British subjects that I venture to trespass upon the indulgence of the Council.

"I am anxious to submit my views as early as possible to the consideration of the Council and of the public, because they do not go the full length either of the scheme of the blue-book on the one hand, or of the extreme demands of the petition which I have lately seen circulated, on the other ; and because they suggest a middle course, calculated, I really believe, to do substantial justice to all, and to extricate the Legislature from a very serious difficulty.

"The Council has not yet had to deal with any question on which public feeling has been so much excited. Nor is it a sudden or transient excitement, lightly got up, or easily to be allayed. These murmurs, these remonstrances, that we now hear, are but the angry echoes of that old protest which has systematically and resolutely been repeated by successive generations of British subjects at every attempt to make them amenable to the criminal courts of the Mofussil.

"It may be that the apprehensions which they entertain are exaggerated,—it may be that in their partiality for their accustomed tribunal, they unfairly disparage the tribunals of the Mofussil ; but at all events this is clear and manifest beyond all doubt—they look with an unfeigned and sincere, even if it be an unfounded alarm, not upon this *repetition* of those former attempts, but upon this attempt, as they say, to place them in a worse position than ever was contemplated by the blackest of previous acts, and to consign them to the tender mercy of a moonsiff.

"Then who are they who thus come forward with this language of remonstrances ? Are they some ignorant or insignificant or worthless section of our community ? Far from it ; they represent the life, the vigour, the best hopes of our Indian possessions. To the industry, the skill, the indomitable energy of the British speculator in the Mofussil, it

*is no little that we already owe, and it will be the height of impolicy, as well as of ingratitude, heedlessly to discourage so valuable a subject in the onward course of improvement along which it is his mission to lead the destinies of his country.*

"The case, then, of these petitioners, at all events, comes before us recommended by the earnestness of their complaint, and by the high and important character of the complainants.

"But above all, let us bear in mind that their prayer is not that we will bestow upon them a new privilege, but that we will not take from them one long enjoyed and incalculably prized. I am confident, therefore, that the Council will approach this question in a forbearing spirit: that, if it thinks that the petitioners are sometimes unreasonable in their demand or intemperate in their language, it will not angrily shut the door in their face, but will give their petition a patient and indulgent hearing, and that if it cannot concede to them all they ask, it will at all events not take from them one jot more than it feels compelled by the strictest necessity to take.

"The first question which we have to determine is—ought the present privilege of British subjects to be tried before the Supreme Court alone, any longer to be maintained?

\* \* \* \* \*

"And now, then, as to the tribunals which this code proposes to give to British subjects in exchange for their Supreme Court. They are the Sessions Court, the Magistrate's Court, and two classes of subordinate courts.

"In the first of these courts British subjects will become amenable for every offence—no matter how grave, and liable to every punishment—no matter how severe.

"The magistrate has the power of imprisoning them for two years.

"The subordinate tribunal of the first class—which is to be presided over by first assistants to magistrates and principal sudder ameen—may imprison them for one year; and that of the second class—which is to be presided over by second assistants to magistrates and moonsiffs—may imprison them for three months.

"It is against these tribunals that British subjects protest,—against all as incompetent, and against some as open to the evil influences of personal prejudice and antagonism of race. They refer you to the Penal Code which in its anxiety to provide for every possible offence, draws within its wide definitions acts which men are sure to be frequently committing without imagining that they are crimes, and they show you that under its provisions a person can hardly open his mouth or move his hand, or even

move the air without committing an offence punishable with imprisonment. They ask you to picture to yourselves the sort of places which in small localities are available for imprisonment, and to consider well what sort of punishment imprisonment is to a European even in the best regulated gaols. They refer you to the calendar of the Supreme Court, and they show you that two years is the maximum of imprisonment which that Court thinks it safe to award to such persons in this climate; and they implore you not to trust a power so susceptible of abuse to unfriendly or inexperienced hands.

"They ask you to consider their position in the Mofussil—how perpetually they are brought into conflict with influential natives—not over-scrupulous as to making false charges, or supporting those charges with false evidence. They show you how all persons in the locality become mixed up in these disputes—how it has come to pass that the subordinate magistracy look upon them, and that they look upon the subordinate magistracy as natural enemies: and they declare they have no hope of obtaining impartial justice in your inferior courts. *They point out to you the defects of your judicial machinery, whereby the administration of criminal justice must for the most part be entrusted to mere boys, or at the best to inexperienced young men who are shifted one day from the cutchery or the salt field, to be removed the next to another cutchery or another salt field, again in some future day to turn up upon the bench; and they ask you why in this learned profession professional learning is the only thing not required?*

"Then as regards moonsiffs, the still unforgotten animosities of race introduce a new element of distrust. Nor would this seem to be wholly without foundation. I find the following statement in the *Friend of India* (which should be a good authority on the subject), in an article by no means favourable to the larger pretensions of British subjects. '*There are many, particularly Mahomedans, of the old school whose hostility to Europeans, as such, is of the most envenomed character. The magistrate lately removed from Serajgunge would probably have put every European in the station in prison could he have only obtained the chance. The antagonism between the races is becoming every day more marked.*'

"Now at all events, sir, in these representations the petitioners are speaking out clearly enough, and if any weight is ever to be attached to their representations, it ought to be attached to those that they now make. 'But no,' I hear it said, 'the only way to get the imperfections of the present system remedied, is to give these clamorous British subjects a taste of it, and then they will cry out, as natives cannot cry out, and the system will be remedied.' But surely they are crying out loud enough now, and surely we may be satisfied with this foretaste of it which we are giving them, without waiting for the experiment of any actual tasting. They say

in very plain terms, 'For heaven's sake don't throw us into this fire, we shall be burnt alive;' and is it fair to answer them by saying, 'No! you have no right to cry out till you are burnt,—and when you are really burnt you'll cry out so much the louder, and then you'll get what you want.' Sir, I think we need not require all this proof. If we are really satisfied that these are fiery places, I think that we need not insist on the production of singed hair or charred stumps, but that we may take legislative notice of the fact that fire will burn. And being fully persuaded that our imaginations are perfectly competent to guide us to safe conclusions in these matters without the necessity of any personal experiments, I will ask any honourable gentleman whom I see before me, whether if his lot compelled him to-morrow to take up his residence at some factory in the Mofussil, he would not feel a little alarmed at the possible risk which he would run of being imprisoned by some envenomed Mahomedan, for some imaginary or for some Code-born offence, from the 15th day of March to the 15th day of June, in some Cutcha hovel at Feverpore or Cholerabad. But I will ask him still further, does he really think that the boys who act as assistant-magistrates, or the magistrates themselves—wholly untrained as they are to their profession, and wholly unaided either by a jury or by any competent Bar—does he really think that they are fitting depositories of the vast powers proposed to be entrusted to them. I impute to these gentlemen no fault save that of youth and inexperience. Fine, manly, intelligent young fellows they are—all fully my equals, I am free to admit, many greatly my superiors in natural abilities: but still, the fact is undeniable, they are young and inexperienced, and youth and inexperience are not the best qualifications for the bench. I confess, it appears to me a just matter of reproach to this great country, that with its ample means and unlimited resources it has effected no greater reforms in its judicial system. I do think that it is a matter of reproach to us, that while elsewhere every one is insisting on getting the right man for the right place, we are still content here to go on trusting to the miserable chances of routine.

"I don't pretend to say that in order to administer satisfactorily the laws of this country, the same degree of learning is necessary as would be necessary to administer the law in England; but still surely some sort of training is indispensable; and judicial habits do not come more instinctively to men's minds here than they do elsewhere. I cannot imagine any great difficulty in establishing here a regular judicial service, which in a few years would provide you with competent functionaries for every grade; but if there be such difficulty, there are plenty of ready-made lawyers to be had, whose interest it would be to place their services at your disposal, for the remuneration which it would be your interest to give.

At all events some better system is beyond all question attainable, and therefore should be attained. Direct every effort and the necessary number of rupees to that end, and you will soon have a triumphant answer for any one who presumes to question the competency of your courts. But then, what is to be done with British subjects in the mean time? 'Leave us as we are,' say they, 'until your courts are reformed.' I answer, No! the evils of the present system admit of no delay. They are intolerable already, and they are becoming more and more so every day. On the other hand, say the *soi-disant* advocates of equality, 'Place all alike upon the same footing at once.' If the tribunals of the Mofussil are as bad as they are represented to be, they must be equally bad for natives, though they may not be able to appreciate their imperfections, and why should not all share alike the evil till it can be remedied. But why should they? Would the evil be in any way the less to the native if it were felt also by the European. If it were an evil which was susceptible of being increased or diminished according to the surface over which it was spread, then I can imagine some reason in the argument. But if you find a certain number of persons subject to an imperfect system which you admit must be remedied, and which you avow your intention of remedying as soon as possible; and if you find at the same time certain others who by no force or fraud of theirs, but by the deliberate acts of your own and of the Imperial Legislature, have been specially exempted from it, and are painfully alive to its imperfections, upon what principle would you compel the latter to become fellow-sufferers with the former? *Certainly not on the principle of the greatest happiness to the greatest number; certainly not on the principle of doing equal justice to all. I can imagine your doing so on no other principle than that of doing equal injustice.*

"No one can object to anything in the shape of legislative favouritism more strongly than I do, no one more strongly than I do, to exclusive privileges which work real injustice or excite abiding discontent. No one will subscribe more readily or more loyally to the doctrine of equal laws for all. But then, while holding these principles steadily in view, I will not shut my eyes to the actual state of things around me. I am not here as a philosopher to propound a perfect theory or to enunciate metaphysical truths; I am simply a legislator, dealing with men and things as I find them—dealing with a state of society full of anomalies; and having to carry out a great change in the manner least obnoxious to the different interests which must be affected by it. Well, what then do I find? I find, on the one hand, a small but highly-civilized community, long accustomed to good laws and to a good administration of them; I find, on the other hand, vast masses but lately emancipated from barbarism and inspired

with no traditionary reverence for equal laws or incorruptible justice. The former contrast your Mofussil courts with those by which they are now protected, and they deprecate a change with horror. The masses find in these courts a safeguard far better than any that their forefathers ever enjoyed or dreamed of, and they accept them with perfect content. Well then, are these two classes really standing on equal ground, and are you really measuring out equal justice when you say, 'These courts, if good enough for the one of you, are good enough for the other?' I say such an equality is a miserable sham, and in your anxiety to establish equality in appearance, you would be establishing the grossest inequality in fact. I admit that, with us Englishmen, the bare semblance of inequality excites immediate discontent. We chafe at the idea of any one being permitted privileges which are denied to ourselves; and unamiable and selfish though the feeling may often be, yet it is by the influence of such feelings that many of our most valued liberties have been achieved. But do we find the natives animated by these feelings even in respect of the large privilege at present enjoyed by British subjects? I think not. They object to it, not from any constitutional or philosophical enthusiasm in favour of an abstract principle, but simply because they see and feel that it has become a practical nuisance.

"I do not believe that they feel it any grievance that British subjects should be tried by juries while they are triable by judges alone. They know nothing about our jury system, and, I believe, neither seek the benefit of it for themselves nor grudge it those who have a fancy for it.

"Well then if the inequality to which I propose to give a temporary tolerance is not really felt as a grievance by those who are apparently the least favoured, it is stripped of all that makes inequality most odious and intolerable; and if we are called upon to choose between one or the other of these two evils, either to force British subjects into courts which they distrust,—and which we ourselves admit to be unfit for them,—or to retain for them awhile certain modified privileges which they highly prize, and which no one grudges to them, I have no hesitation in accepting the latter part of the alternative; and in so doing, while I acknowledge that I am offending in terms against a wholesome principle, I have the consolation of knowing that I am rescuing a deserving body of men from a palpable injustice, and doing nothing at the same time calculated to do real injustice to any one else, or even to make any one else fancy that injustice is being done.

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"But, sir, while I instance without any horror these deviations from the principle of equality in the scheme of the commissioners, there is one other

such deviation to which I cannot help drawing your attention, and on which *I confess I look with very different feelings. I refer to that most extraordinary provision, by which an exclusive right to be tried before the sessions courts is reserved to certain four classes of public servants—namely, to judges of every description—to all members of the covenanted civil service—to all officers of the Queen's and Company's army—and to all officers of the Company's navy.*

*“Sir, I could hardly believe my eyes when I first saw this provision in the blue book. I could hardly believe that at the very time its authors were professing to abolish on principle, all distinctions between natives and Europeans—distinctions, which merely as distinctions, the natives cared very little about, they should have gone out of their way to invent this new distinction between different classes of British subjects, and that they should have selected as the objects of exclusion, precisely those who have always been most clamorous for the maintenance of their ancient privilege, and who would be so sure not only to resist such an attempt on principle, but to resent with all the bitterness of insulted pride, an act of favouritism so offensive, so uncalled for, and so probably unjust.*

*“Well, sir, I have now shown I trust to the satisfaction of the Council, that on the one hand the privilege at present enjoyed by British subjects of a resort in all cases to the Supreme Court, can no longer be permitted to exist; and on the other hand, that it would be unjust to hand them over to the inferior tribunals of the Mofussil, until those tribunals are reformed. There still remains the question, what is to be done with them in the meantime?*

*“I confess I see no difficulty in suggesting an adequate provision. I would simply extend to all British subjects the exemption limited by the present bill to the four before-mentioned classes of public servants; but I do not mean the exemption to apply to offences punishable only with fine, or to offences which, though punishable with fine or imprisonment, the magistrate before whom the complaint is brought may think, are sufficiently punished by a fine.*

*“I conceive that the session courts presided over by a more experienced class of public servants, as they would be, and partaking, as I hope they would at once, of improvements similar to those suggested by my honourable friend for the zillah courts, would at once be safe tribunals to offer to all British subjects, and they certainly will not become the less safe, when at a future day they shall become manned by judges who have had the advantage of some such sort of preliminary training as I have this day ventured to recommend.*

“ And I must say, sir, that if there is any country in the world in which such an institution is required, it is eminently so in one like this, where the tendency to bring false charges so universally prevails : and more than ever will it be desirable, when the criminal code comes into force, with its tempting variety of opportunities for the maliciously disposed.

\* \* \* \* \*

“ To session courts so constituted and so assisted, I have no hesitation in confiding the protection of every British subject. At all events, this is the best solution which, after much consideration, I am able to give this most difficult question.”

Sir Arthur Buller was frequently and warmly applauded in the course of his speech.

Well may the “ Memorandum ” be silent here. The Parliament of England having spoken so unmistakably, the Indian Government cannot openly drive the British settler from India, but they can resort to contemptible, mean, and cowardly acts to harass and annoy him. Well may they say, in England, what have the English settlers done to deserve such determined persecution as this ? Are their deeds so black ? In the eyes of the Company they are indeed *treason*. For it was they who joined the cry in England, praying for the Company’s monopoly to be done away with, and free trade opened ; and which, in spite of all the protestations of the Company, was successful in 1817.

It was they who joined in the loud complaint against the Company for being allowed to carry on trade under a system that was ruinous to themselves, and rendered it unapproachable by the prudent merchant, and that their close monopoly with China be abolished ; both of which grievances were redressed by the British Parliament in 1834.

It was the British settlers who, backed by that distinguished and zealous friend of progress, Mr. Greenlaw, many years coroner of Calcutta, and supported by the warm advocacy of Lord W. Bentinck, made the first and most persevering attempts to establish direct steam communication between Calcutta and Suez ; and I had myself the honour to be among the passengers that proceeded



by the first experimental steamer which crowned their efforts in the year 1842: the first pioneering enterprise before the Peninsular and Oriental Company were brought into existence to the eastward of the Cape of Good Hope.

It was through the untiring exertions of the British settler that, after years of research, coal beds were discovered and got to work, resulting in the present prosperous and useful "Bengal Coal Company," in which I am a shareholder, which pays no less than £2,000 per month to the railway company for the transport of their coal from Raneegunge to Calcutta.

And what would the Indian Government have done, when the rebellion came on their hands, if they had not at their command this coal for the use of the steamers conveying the troops inland?

And again, who but the British settlers created that great fleet of inland steamers?

Will the Company say what they would have done without the means afforded by the two fleets of these steamers—the Ganges Company and the Indian General Steam Navigation—to carry the troops and all the *ammunition* up the Ganges and the various rivers?

It is the British merchants and other settlers who introduced, and have steadily persevered in increasing and bringing to its present state of efficiency, the service of sea-going tug-steamers (in which I have also shares) for facilitating the intricate passage from the sea to Calcutta, and which was considered so valuable an aid, that for several years the maritime insurance offices actually paid the hire of the steamers for towing the ships up and down.

And who but these settlers created all the wet docks and ship-building yards? The Government established none, but some years back was glad enough to purchase wet docks built there by private parties.

We have already seen that through the persevering enterprise of the settlers it is that a great source of benefit both to England and India has been made possible in the cultivation of tea, and by

their research and energy likewise it is that within the last three years or so valuable copper mines have been discovered, and are now working.

It was they again who established the inland transit means of travelling by means of small carriages drawn by horses, of the existence of which Sir Colin Campbell and some hundreds of officers eagerly availed themselves to travel from Calcutta to the Upper Provinces.

It was the British settler who finally accomplished the transit through Egypt, and placed the first steamer on the Nile.

And who are the indigo planters, the silk growers, and others, who distribute upwards of three millions sterling a year in the Lower Provinces of Bengal? Where else, in the possessions of the East-India Company, is there such prosperity? Where is the soil made to yield more? In what part of India is there more material comfort? Where is the heavy revenue from the land paid with such punctuality; and where are the natives more advanced and more civilized than in these Lower Provinces? And why? because here reside a greater number of European independent settlers than in any other part of India—men who have shown sufficient moral courage to live isolated from their fellows, and trust their lives and properties in the interior of the country. During the last thirty years the European population of Calcutta has doubled, while in the same period there has not been an increase of thirty Europeans in the Mofussil.

Yet these men, nay, the whole class of British settlers, are *ignored* in this celebrated “Memorandum.”

To speak of improvements in the light of the “Memorandum,” that the British settler has been able to bestow upon India is to speak of limited efforts, accomplished in the teeth of an incessant struggle against obstacles which only a Government so disposed can throw in the way.

I might here mention a little instance in *illustration* of that *fostering care* with which the East-India Company is said to watch

over and encourage every effort for the improvement of British India.

India is not a country which may be said to have science actually at *command*. To bring out to India a distinguished scientific authority is no trifling matter. The Indian Government, however, lately brought out Mr. David Smith as a "coal and iron viewer" in their service. Early in 1856 the Bengal Coal Company having discovered some valuable veins of iron ore, applied to the Government to allow Mr. Smith, as the only practical man on the spot, to superintend the experiments to be made. To this the Government replied that they had no objection, provided "it can be made compatible with the primary duty of examining the iron and coal fields for Government." Upon this promise, then, the directors of the Bengal Coal Company gave the necessary orders for the construction and purchase of the requisite machinery in England. In April last year they announced to the Government that this machinery was on its way, when, to their astonishment, they received a reply to the effect that as Mr. Smith had completed his task, so far as the Government were concerned, "the Government can see no reason for retaining Mr. Smith in their service merely to superintend the erection of a blast furnace at Raneegunge, for the Bengal Coal Company. The result was that the directors of the Bengal Coal Company were obliged, reluctantly, to suspend their operations. They had, it is true, already gone, as in the purchase of machinery, to a very considerable outlay; but they felt, as a private company, the terms demanded by Mr. Smith were too large for the means at their disposal.

The reader may, however, with justice, conclude that were the paralyzing influences so shamefully brought to bear against the British settlers withdrawn only, independent of the Government they might work great things for India. Considering how comparatively small a body they are, there can be no one but must admit that it is wonderful what the settlers have already done.

To take a concentrated view in all its action and policy, past

and present, of the Honourable East-India Company, it can only be compared to an individual who goes out to a distant part, and occupies a territory which he converts into a sort of preserve, and which shall afford himself and a very limited circle of friends the enjoyment of shooting over; but to any one who seeks to follow him into his demesne, or any stranger who desires admission there, he is looked upon in the light of a poacher, and treated accordingly.

THE END.



HOW WARS ARE GOT UP IN INDIA.

THE ORIGIN

OF

THE BURMESE WAR.

BY

RICHARD COBDEN, ESQ., M.P.

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## P R E F A C E.

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HAVING had occasion to read with attention the "Papers relating to Hostilities with Burmah," with the view of bringing the subject under the consideration of the House, (which circumstances prevented my doing) I have made an abstract of the leading facts of the case for publication, in the hope that it may induce the reader to peruse the original correspondence. This I was the more immediately tempted to do, from not having been able to meet with anybody, in or out of Parliament, who had read the "Papers." In fact, owing to the complex form in which they are printed—not giving letter and answer in consecutive order, but grouping them arbitrarily in batches—they require a considerable effort of the attention to read them with advantage. I may say, by way of explanation, that the whole of the narrative is founded, exclusively, upon the Parliamentary papers, and that all the extracts in the text, for which references are given at the foot of each page, are copied from the same official source.—Wherever I have inserted quotations not taken from the Parliamentary papers they are printed as notes. It should be borne in mind that the case, such as it is, is founded upon our own *ex parte* statement. A great many of the letters are mutilated; and remembering, that in the Afghan papers, it is now known that the character of at least one of the Cabool chiefs was sacrificed by a most dishonest garbling of his language, I confess I am not



without suspicions that a similar course may have been pursued in the present instance. I will only add, then, bad as our case now appears, what would it be if we could have access to the Burmese "Blue Books," stating their version of the business?

The correspondence to which I have referred is—

- 1st. Papers relating to hostilities with Burmah, presented to both Houses of Parliament, June 4th, 1852.
- 2nd. Further Papers relating to hostilities with Burmah, presented to both Houses of Parliament, March 15th, 1853.

## HOW WARS ARE GOT UP IN INDIA.

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IN June, 1851, the British barque *Monarch*, of 250 tons, last from Moulmein, reached Rangoon, the principal port of the Burmese empire. On the second day after her arrival, Captain SHEPPARD, the master and owner, "was taken before the police to answer the charge of having, during the voyage, thrown overboard the pilot ESOPH, preferred by a man named HAJIM, a native of Chittagong, who stated that he was brother of the said pilot."\* The accuser and the deceased were British subjects, both being natives of Chittagong, one of the provinces of our Indian empire, lying contiguous to the territory of Burmah. The answer to the accusation was, that the pilot having run the vessel aground, had jumped overboard. Captain SHEPPARD was mulcted in fines and fees to the amount of £46., and permission was then given him to depart; but when about to sail he was again detained, "owing to a charge brought by a man named DEWAN ALI, (a British subject, employed in one of the Moulmein gun-boats), calling himself a brother of the pilot, bringing forward a claim for a sum of 500 rupees, which he stated his brother had taken with him."† This led to a fresh exaction of £55.;—and, after a forcible detention altogether of eight days, the ship was allowed to sail.

The British vessel, the *Champion*, of 410 tons, Captain LEWIS, arrived at Rangoon, from the Mauritius, in August, 1851. Two Bengal coolies, who had secreted themselves on board his ship, with a view to return to their country, made charges against the captain of murder and other offences, and they were joined by some lascars and others of the crew, who deserted, and made an appeal to the authorities for the recovery

\* Papers relating to hostilities with Burmah, presented to Parliament June 4, 1852, p. 5.

† Ibid

of their wages. After being detained fifteen days, and compelled to forfeit £70. for fines, fees, and seamen's wages, Captain LEWIS was suffered to depart.

These two captains appealed to the Government of India for redress. They claimed together, £1920. for reimbursement of arbitrary fines, demurrage of ships, and compensation for ill-usage, and unlawful imprisonment. This claim was revised by the Indian authorities, and cut down to £920., or less than one-half; and it was in enforcing payment of this sum that the present war arose.

*It must be borne in mind that all the parties to these suits were British subjects; the governor of Rangoon, had not been adjudicating in matters in which Burmese interests, as opposed to those of foreigners were at stake.*

When these complaints were laid before the Governor-General of India, it happened that two of the Queen's ships, the *Fox*, and the *Serpent*, under the command of Commodore LAMBERT, were lying in the Hooghly. He was requested to proceed to Rangoon, and "in maintenance of the Treaty of Yandaboo, and the Commercial Treaty of 1826, to demand full reparation for the injuries and oppressions to which the above-named British subjects have been exposed." No other demand for reparation beyond the payment of this sum of about £920. appears at the outset of these proceedings. Vague allusions are made to other acts of injustice committed upon British subjects, but no specific complaint is formally made, and no individual grievances are officially adduced, excepting those of Captains SHEPPARD and LEWIS. We are informed, indeed, in a Minute, by the Governor-General of India, that "for many years past, complaints, from time to time, had been made of acts of oppression and of violation of treaty by the Burmese Governors. *None, however, had been brought forward of sufficient extent or significancy, to call for the formal notice of this government.*"\* It is important at the outset, to have the highest authority for the fact, that, up to this time, the Burmese authorities at Ava, were quite ignorant that the British government had any complaint to prefer against the Governors of Rangoon.

Before his departure from Calcutta, Commodore LAMBERT

\* P. 64.

it should not in due time be received, the Government of India will proceed to take such measures as they may think necessary and right.

“The delay thus interposed is unavoidable in the present anomalous relations of the two governments. *It will, moreover, admit of the Commodore proceeding to the Persian Gulf, whither his Lordship understands he is under orders to proceed.*”\*

The Governor-General's instructions conclude with the following emphatic injunction, to avoid any violent proceedings; it might have been penned expressly to guard against the course which the Commodore afterwards pursued:—“IT IS TO BE DISTINCTLY UNDERSTOOD THAT NO ACT OF HOSTILITY IS TO BE COMMITTED AT PRESENT, THOUGH THE REPLY OF THE GOVERNOR SHOULD BE UNFAVOURABLE, NOR UNTIL DEFINITE INSTRUCTIONS REGARDING SUCH HOSTILITIES SHALL BE GIVEN BY THE GOVERNMENT OF INDIA.” †

Let us now recapitulate in the briefest possible terms, the instructions given to Commodore LAMBERT :—

1st. He was requested to inquire on the spot, whether the compensation claimed by Captains SHEPPARD and LEWIS, which had already been reduced to less than one-half of their original demand by the Indian Government, was founded in justice :—in a word, he was instructed to hear both sides.

2nd. To demand payment of the amount of compensation from the Governor of Rangoon, before applying to the Court of Ava; and to use the letter addressed to the King only, “in the event of the Governor refusing or evading compliance.” ‡

3rd. In case it was found necessary to forward the letter to the King, then the Commodore was to proceed to the Persian Gulf.

4th. In no case, until further definite instructions should be received from the Government of India, was any act of hostility to be committed.

We shall see under what circumstances Commodore LAMBERT, set aside all these instructions, and pursued the very opposite course to that prescribed by the Governor-General.

Towards the end of November, 1851, the Commodore sailed

\* P. 14.

† Ibid.

‡ Ibid.

with his squadron from Calcutta for the Rangoon River. The distance by sea, between the ports of Calcutta and Rangoon, is about 500 miles. On his arrival at the latter place, several of the residents,\* who claimed to be British subjects, preferred further complaints against the Governor of Rangoon. He requested them to state their grievances in writing, which they did on the 28th November;† but on the 27th, *before a written declaration was in his hands*, (it is important to notice this, as the beginning of a series of impulsive and precipitate acts), he wrote to the Governor of Rangoon to the following effect.‡

“COMMODORE LAMBERT TO THE GOVERNOR OF RANGOON.

“*On board Her Britannic Majesty's ship of war Fox,  
at anchor off Rangoon, November 27th, 1851.*

“The object of my visit to Rangoon was, at the request of the Most Noble the Marquis of DALHOUSIE, the Governor-General of British India, to demand redress for insults and injuries you have committed on subjects belonging to Her Britannic Majesty Queen VICTORIA.

“Since my arrival, so many more complaints have been made by persons residing at Rangoon, who have a right to claim British protection, that I have deemed it my duty to withhold my original demand, until I have again made known their complaints to his Lordship.”

It might naturally be expected that after dispatching this letter to the Governor, the writer would send one of the two steamers which, in addition to his own vessel, the *Fox*, now composed the squadron under his command, to Calcutta, for further orders. This was much too dilatory a mode of proceeding. On the very next

\* The first person who came on board the Commodore's ship, (whose name is given in the Blue Book, and in the Parliamentary Report, but which for obvious reasons, I suppress), is thus described by Lord ELLENBOROUGH:—  
“One of the most considerable traders at Rangoon, is a person of the name of ———. That man, as soon as he knew of the probability of a war, freighted a schooner with arms, and sold them to the Governor of Rangoon, when the Governor refused payment for them, he had the effrontery to go to Commodore LAMBERT, and complain of the injury inflicted upon him. I suppose we shall hereafter see the amount of compensation claimed by that person in the bill to be paid by the Burmese government. The Governor of Rangoon offered in consequence £100. for this man's head; and I confess, I should not have been deeply grieved if he had got it. This is a description of one of the persons for whom this great war is to be undertaken.”—  
*House of Lords, April 5th, 1852.*

† P. 25.

‡ P. 24.

day the Commodore commenced his diplomatic career, without credentials or authority of any kind, by sitting down and writing a letter to the "Prime Minister" of the King of Ava, enclosing the letter which had been entrusted to him for use, *in case the Governor had refused compliance with his demand*, and adding, that owing to the accounts he had heard, of the additional wrongs inflicted upon British subjects by the Governor, he passed him by, and appealed for his punishment directly to the Court of Ava.\*

These two letters, the one from *The President of the Council of India in Council, to the King of Ava*, and the other from *Commodore Lambert to the Prime Minister of His Majesty the King of Ava*, were then forwarded to the Governor of Rangoon, with the following:—†

"COMMODORE LAMBERT TO THE GOVERNOR OF RANGOON.

"November 28th, 1851.

"I have the honour to transmit you a letter for His Majesty the King of Ava, together with one for the Prime Minister of the King.

"I shall expect that every dispatch will be used for forwarding the same, and I hold you responsible for an answer being delivered in these waters, within five weeks from this day."

Captains LATTEK and TARLETON were deputed to deliver this letter to the Governor. The following is the description of the interview as given by Captain LATTEK, who filled the office of interpreter to the Expedition.

"This letter was translated by me into Burmese. We landed, went to the Governor's house, escorted by some of the English residents and traders. I read aloud to the Governor, first in English, and then in Burmese, the letter, and Captain TARLETON delivered it. The Governor made his appearance in a somewhat informal dress; being dressed in nothing but common white clothes, and smoking a cheroot; whilst all the under Governors were in their court dresses. This was the more to be remarked, because the Governor has several gold crowns, which he wears on State occasions. The European officers were of course in full uniform. The Governor wished us to stop and sit down, but Captain TARLETON thought it more prudent to say that we had only been charged to read and deliver the letter to him, and that we had received no instructions about holding any other communication. We then bowed, withdrew, and returned to the frigate. We received no opposition either going or coming."‡

\* P. 24.

† Ibid.

‡ P. 30.

From Rangoon to Ava, is about 450 miles, and Government Expresses perform the journey in from ten to twelve days, so that to receive an answer in five weeks, was quite practicable, provided the Cabinet of his Burmese Majesty did not require so long a time for deliberation as is sometimes found necessary in Europe.

As soon as he had dispatched his letter to the Governor, the Commodore sat down and wrote a laconic account of his proceedings to the Government of India, which he sent off to Calcutta, by a steamer in charge of Captain LATTEB, the interpreter, who was deputed to explain the circumstances which had induced him to depart from his instructions.

Let us now see what those circumstances were :—

We have already stated, that on the arrival of the squadron in Rangoon river, an additional list of grievances was presented to the Commodore, on behalf of the British residents.\* The state-

\* The Earl of ELLENBOROUGH, made the following observations upon these proceedings :—(*House of Lords, February 16th, 1852*).

“He also wished to know whether, before any requisition was sent to the King of Ava, for reparation for the injuries inflicted on British subjects in Rangoon, any trustworthy officer of ours was sent there to ascertain the truth of their representations, and the extent of the injuries inflicted? He could recollect—it was not so distant an era—he could recollect the circumstances of a complaint which was brought under the notice of the British Government, by a certain Don Pacifico. Athens rejoiced in one Pacifico; but he could assure their lordships, that there were dozens of Pacificoes at Rangoon. If there were not the grossest ignorance of, or the strangest misrepresentations about Rangoon, on the part of those who have written about it, Rangoon was the sink of Asia—the Alsatia to which all men went who could not keep a footing elsewhere. Persons of European origin, who had discovered that Asia was too hot to hold them, lived in Ava, and generally went to Rangoon, and there, under the same, or perhaps some other name, endeavoured to gain a new reputation or a new fortune. He should not wish the Government to take any political measures with regard to Ava, without sending an officer there to inquire into the circumstances. He regretted that this had not been done in the first instance; for it was reported that when the Commodore went to Rangoon with his fleet, he found circumstances very different from those which had been represented to him. The Don Pacificoes pushed off their boats, and went on board with representations of the damage which they said they had sustained.”

[Commodore LAMBERT had directions to inquire into the justice of the demand, which he was sent to make upon the Governor of Rangoon; but, instead of doing so, he took for granted the truth of fresh complaints brought against that officer, and acted upon them, without allowing the accused party the opportunity of answering one or the other of the charges.]

ment professes to emanate from the "undersigned merchants and others, resident in Rangoon," but there are no signatures appended to the document, which contains a list of thirty-eight grievances, separately numbered, and mostly without dates. I am sorry that it is not compatible with that brevity, which is above all things my object, to copy every one of these cases from the Blue Book, but I will give the first four on the list, as a fair specimen of the whole :—

#### LIST OF GRIEVANCES.

"1. A short time ago a charge was brought against AGA SADDUCK, merchant in this town, by his wife, who had been separated from him fifteen years. No less a sum than 5,500 rupees was extorted from him by the present Governor.

"2. In the case of GOOLAM HUSSAIN, a merchant of Rangoon, against whom a charge was brought of alleged faithlessness of his wife, the sum of 1500 rupees was extorted from him.

"3. In the case of GOOLAM HUSSAIN (deceased), who was the owner of some mineral said to have had the virtue of completing the art of alchemy, the Governor wanted to get the mineral, which was refused him. In consequence of this a charge of theft was trumped up against him. The unfortunate man was seized, flogged in the most cruel manner, from the effects of which he died soon after.

"4. Against NICHOLAS JOHANNES, an Armenian merchant, a story was got up, that in a piece of ground which he had lately purchased, there was buried a jar of silver. The Government people were ordered to dig for the jar in question, when Mr. JOHANNES detected them in the act of slipping money into the jar. The Governor decreed that he should pay 1000 rupees for these proceedings of his own men."

The absurd list of grievances, of which the above are a sample, and which bring to recollection a popular volume of reports of our own police courts, called "*Mornings at Bow Street*," was, as I have before stated, placed in the hands of Captain LATTEB, who proceeded to Calcutta to offer an explanation of the occurrences which had taken place at Rangoon. Arrived at his destination, he was requested to make his statement in writing, and I find in the Report presented by him to Mr. HALLIDAY (the Secretary to the Government) that he gives as the reason why Commodore LAMBERT departed from the instructions laid down by the Governor-General for his guidance, that "the Commodore appeared to think that when the Governor-General of India came to know of these fresh instances of the Governor of Rangoon's misconduct, he, the



Governor-General, might not consider the taking satisfaction for merely Messrs. SHEPPARD and LEWIS's cases sufficient, but might wish to take further steps."\* Let us see what the Governor-General has to say in reply.

The letter from the Government Secretary, Mr. HALLIDAY, in answer to Commodore LAMBERT's communication, has been mutilated at the Board of Control, and an *Extract*, only, appears in the Blue Book. It may be therefore charitably hoped that the scissors in Cannon Row, and not the pen of the able Secretary at *Fort William*, are responsible for the inconsistency, not to say the absurdity of its contents.

"*The statements contained,*" says the *Extract*, "*in the memorial presented by the British subjects at Rangoon must be received with caution; not having been made the subject of complaint at the time, these additional cases cannot now be made the groundwork of an increased demand for compensation.*" It might naturally be supposed, that after this implied reflection upon the incautiousness of the Commodore, there would follow an expression of regret on behalf of the Governor-General at his having upon such insufficient grounds departed from the instructions laid down for his guidance; but the reader will find with astonishment the following paragraph in the same *Extract*:

"*Having regard to the additional long list which was delivered to you, of unwarrantable and oppressive acts committed upon British subjects by order of the Governor of Rangoon, as well as to the personal bearing of that functionary towards the Commodore of the squadron, and to his obvious intention of resorting to the usual policy of the Burmese Court by interposing endless delays, and disregard of official communications addressed to him; his Lordship is of opinion that you exercised a sound discretion in cutting short all discussion with the local Governor, and in transmitting at once to the King of Ava the letter addressed to His Majesty by the Government of India.*"

The logic of this is akin to that which the wolf resorted to, upon a certain occasion in an argument with the lamb. "Be cautious how you listen to those Rangoon merchants," (says Mr. HALLIDAY), "do not make their complaints the groundwork of a demand for compensation from the Governor of Rangoon: but you did right in making those complaints the "groundwork" of a resolution to

\* P. 28.

pass by the Governor of Rangoon, and send the Governor-General's letter to the Court of Ava, *asserting that he had refused all redress*, and demanding his recall." And again, for another specimen of the same logic:—"So many fresh complaints were made to me by resident merchants on my arrival in the river of Rangoon," says Commodore LAMBERT, "that I resolved to hold no communication whatever with the Governor upon the business which I came here to settle."—"You were quite right in cutting short all discussion with the local Governor," replies Mr. HALLIDAY, in the name of the Governor-General; "for it is very evident from his personal bearing towards you, and from his obvious intention to resort to the usual policy of the Burmese Court, by interposing endless delays, and disregarding official communications addressed to him, that you would have accomplished nothing by entering into negotiations with him."

Heaven defend me from ever finding myself in the position of the Governor of Rangoon, with no other appeal but to round shot and shells against the conclusions of such logicians, as the Governor-General of India, and Commodore LAMBERT!

The Commodore's brief and peremptory communication to the Governor of Rangoon, requiring him to forward to his Sovereign at Ava a letter demanding his own disgrace, and which I have given in a preceding page, is dated November 28th, 1851. An answer was demanded in five weeks. It arrived on the 1st January, being a day within the limited time. This having been the only instance in which the British Commander had preferred any request to the Governor, the promptitude of his compliance is a sufficient commentary on the passage quoted from the despatch from the Government of India, accusing him of "endless delays and disregard of official communications addressed to him." It is but fair to adduce this fact, in favour of one who now disappears from the scene, without having been heard in his own defence.

The following letter from Commodore LAMBERT, to the President of the Council of India, opens the second act in this drama:—

"COMMODORE LAMBERT TO SIR JOHN LITTLER.

"*H.M.S. Fox, off Rangoon, January 1st, 1852.*

"I have the honour to acquaint you, that an officer from the Court of Ava, arrived on board of Her Majesty's ship under my command this

morning, and delivered a letter from the King to the Government of India, in reply to the letter which I forwarded on the 28th of November.

"I also had the honour of a reply from his Majesty's Minister to my communication of that date; a copy is enclosed: from the purport of which it appears the Burmese Government have dismissed the Governor of Rangoon, *and promised to settle the demand made on them by the Government of India.*

"I AM OF OPINION THAT THE KING IS SINCERE, AND THAT HIS GOVERNMENT WILL FULLY ACT UP TO WHAT HE HAS PROMISED.

"The future Governor of Rangoon, vested with full powers to settle the demands, is daily expected from Prome.

"In order that the Governor-General of India may be informed, as early as possible, of the state of affairs, I have dispatched the *Tenasserim* steam-vessel to Calcutta with the letter from the King of Ava, which has been translated by Mr. EDWARDS, in compliance with the directions he states he received."

It will be seen by the above, that the Burmese Government complied instantly with the demand for the dismissal of the Governor of Rangoon, and promised redress for the injuries he had inflicted upon British subjects. But I beg the especial attention of the reader to the paragraph printed in capitals, which expresses the belief of the writer in the sincerity of the King, and to which I shall again have occasion to refer. The whole case, as between the Governments of Burmah and of India, may henceforth be said to turn upon this passage.

The letter from the Burmese Government to the Government of India, and that to Commodore LAMBERT, are written not only in a courteous but a deferential tone. I will merely give the concluding sentence of the letter to the Commodore, showing, as it does, that the Court of Ava were under the impression that he would himself be the bearer of the answer to the letter of the Indian Government: "We have to request," say the Burmese Ministers, "that Commodore LAMBERT will, with friendly feeling, apprise us of the date of his departure from Rangoon, with the reply to the letter of the President of the Council of India."\* I ask the reader to bear this in mind in connexion with what is to follow.

"On the 4th of January, the newly-appointed Governor, or

\* P. 38.

Special Commissioner from the Court of Ava, arrived at Rangoon, with a numerous suite.”\* On the 5th, Commodore LAMBERT “sent Mr. EDWARDS, the assistant-interpreter, to ascertain when it would be convenient for him to receive an officer with a letter, stating the nature of the claims which the Government of British India had made on that of Burmah, and to say that when all had been adjusted, he should do himself the honour of personally paying his respects to him: the reply to which was, that the Governor was ready at any time to receive communications from him; and the following day was fixed.”† On this visit Mr. EDWARDS, who was clerk to Captain LATTEr, the interpreter to the squadron, and himself familiar with the Burmese language, was admitted to a personal interview with the new Governor, who at once consented, at the instance of Mr. EDWARDS, to remove the embargo by which the inhabitants had been hitherto prevented from holding communication with the ships or boats of the squadron.‡ It is important that this fact should be borne in mind, as an answer to the vague statements, for which no official proofs are afforded, that the new Governor had, on his first arrival, by his proclamation and other acts, shown an unfriendly disposition towards the British residents.

On the following day, the 6th, “the Commodore directed Captain FISHBOURNE, commanding Her Majesty’s steamer *Hermes*, Captain LATTEr, and two officers of the *Hermes*, with Mr. EDWARDS, to proceed and deliver to the Governor the letter containing the demands he was charged to make. Captain LATTEr was at the time on board the *Proserpine*, finishing the Burmese translation of the letter which was to be given to the Governor; and to give him due warning of their approach, on his own responsibility, as there was no time to spare, he sent Mr. EDWARDS on shore to him, to give notice of their coming, and charged him to say, that as he had already shown his friendly feelings by his amicable expressions of the day before, with reference to the time of receiving a communication from Commodore LAMBERT, there would be no necessity for making any display in receiving them, so that there could be no necessity for any delay.” §

\* P. 36.

† Ibid.

‡ P. 44.

§ Ibid.

Mr. EDWARDS landed and proceeded to the Governor's house; and now follows an incident which is of the utmost value as illustrative of the temper and disposition of the Governor towards his English visitors. The narrative is in Captain LATTEE's own words:—"At the foot of the outer steps, one of the Governor's suite drew his dagger on him, and threateningly asked him how he dared thus to approach the Governor's house. Mr. EDWARDS replied that he had no intention of entering without the Governor's permission. On being called into the Governor's presence, he stated that his life had been threatened, and mentioned what had occurred. The Governor sent for the offender, and punished him in the presence of Mr. EDWARDS in the usual Burmese manner, namely, by having him taken by the hair of the head, swung round three times, his face dashed to the ground, himself dragged out by the hair and pitched down stairs."\*

*(I ask the reader to observe that, within six hours of the infliction of this severe punishment for an insult committed upon a clerk, Commodore Lambert will have declared Rangoon in a state of blockade for an insult alleged to have been offered by the Governor to the superior officers of the squadron.)*

Mr. EDWARDS now delivered his message to the Governor, informing him of the deputation which was preparing to wait upon him?—the Governor said, "he wished to receive the communication through him and nobody else." Mr. EDWARDS replied "that that could not be for two reasons; first, that a communication of such importance could not be made through a person holding his subordinate position, being only a clerk under Captain LATTEE's orders; and secondly, that even if it could be so made, it was too late now, as the officers entrusted with it, one of whom was in rank next to the Commodore himself, were now preparing to come."† Mr. EDWARDS took his leave, and returned to the vessel.

Before we accompany the deputation to the Governor's house, let it be understood that no previous arrangement had been come to for its reception. To all who are acquainted with the customs of the East, and the childlike importance which Oriental nations, and especially the Burmese, attach to the ceremonial of visits, it must be evident that the course about to be pursued was pretty

\* P. 44.

† P. 45.

certain to end unsatisfactorily. The Governor had expressed his readiness to receive a *communication*, not a *deputation*, from Commodore LAMBERT, and he had entreated the clerk of the interpreter to bring it himself. Mr. EDWARDS could run in and out of his house freely, as bearer either of a message or letter, because, for a person of his inferior rank, no formal reception was necessary; but how "the Governor of all the lower Provinces, from Prome to the sea, including Rangoon," was to receive a body of officers of subordinate rank, without either offending them,\* or for ever degrading himself in the eyes of his own people, was a question of etiquette not to be decided in a day. An Englishman, in such a dilemma, would order his servant to tell an unbidden caller he was "not at home." In the East, if the unwelcome visitor present himself in the middle of the day, the answer is, "My Master is asleep."

The deputation "landed at about noon, and proceeded to Mr. BIRRELL'S house to procure horses to take them up, as the distance (about two miles) was too much to walk in the sun." † They were bearers of a letter from the Commodore, stating that "the object of his visit to Rangoon had been so satisfactorily met by the prompt course the Government of Ava had adopted in the permanent removal of the late Governor of Rangoon," ‡ that he felt assured of the amicable arrangement of the further matters to be discussed, and he concluded with a demand for the payment of 9,948 rupees, (a fraction under a thousand pounds), and suggesting that a Resident Agent at Rangoon should henceforth be appointed by the Governor-General of India, to avoid a recurrence of differences between the two countries. *There was nothing in the contents of the letter, which in the slightest degree called upon the writer to force the Governor to receive it by the hands of a deputation.*

It is right that the leader of the deputation should be allowed to relate in his own words what followed :—

\* The reader will have seen a symptom of this in the allusion to the absence of a "crown," to the "common white dress," and the smoking of a cheroot, on the occasion of the interview of Captains LATTER and TABLETON with the former Governor—*ante*, p. 10.

† P. 45.

‡ P. 37.

"COMMANDER FISHBOURNE TO COMMODORE LAMBERT.

*"H.M.'s steam-sloop 'Hermes,' off Rangoon,  
January 6th, 1852.*

"I have the honour to represent to you that, in pursuance of your orders of the 6th instant, to me, to wait on the Governor of Rangoon, with a letter from you, and also to inquire why it was that Mr. EDWARDS, while bearing a friendly message, had a sword placed at his breast, and threatened within the precincts of the Governor's house ?\* *Sic in orig*

"I beg to state that I proceeded accordingly, accompanied by Captain LATTEr, and Mr. EDWARDS, as interpreter, and Lieutenant LAWRENCE and Dr. McLEOD, surgeon of Her Majesty's steam-sloop *Hermes*.

"When we arrived within a very short distance of the Governor's house, two sub-officials endeavoured to stop us. Captain LATTEr assuring me that this was intended rather as a slight, I did not deem it proper to stop. Mr. EDWARDS, however, communicated with them, on which they said that we could not see the Governor, but must go and wait on the Deputy-Governor.

"On arriving at the gate of the Governor's compound, there appeared to be a reluctance on the part of two or three, that we should enter.

"On arriving at the foot of the stairs leading to the Governor's ante-chamber, there appeared at the top, MOUNG POGAN, a man who had accompanied each deputation to the *Fox* in the professed character of interpreter, and another, I presume, one of the Governor's retinue, the latter of whom stated that we could not see the Governor, as he was asleep, and asked if we could not wait till he awoke. This he was informed by Captain LATTEr that we could not do, and that the Governor, if asleep, must be waked up, and informed that the Commander of one of the ships of war, bearing a letter from Commodore LAMBERT, waited to see him ; on this, he, together with MOUNG POGAN, went into the Governor's house, apparently to convey the message.

"They soon after returned, the one stating that the Governor was a great man, and was asleep and could not be awaked, but MOUNG POGAN called Mr. EDWARDS on one side and asked him to go up and speak with the Governor ; understanding this by his grimace, without waiting to be confirmed in the correctness of my conclusion, I said he could not go, whereupon Captain LATTEr asked me for your letter (which I gave him), that he might point to it while explaining that it was one of a most peaceful kind, and insisted upon the necessity of our being received ; whereupon the attendant and MOUNG POGAN went again, as it were, to see the Governor, saying, that we had better go and stand under the shed, a place where the common people usually assembled.

\* Remembering the summary punishment already inflicted upon the wretched offender in this case, a recurrence to it as a grievance looks very much like a desire to find a ground of quarrel.

"Meanwhile, expressing the great inconvenience of staying in the sun, I was going up stairs with a view to sit in the Governor's waiting-room, but Captain LATTER interposed, and said it was not according to etiquette ; I was informed also that my going under the shed alluded to, for protection from the sun, would be considered by them as degrading ; I refrained from going, or rather returned to my original position at the foot of the stairs, for I had gone under the shed.

"The attendant and MOUNG POGAN returned, the former again repeating that the Governor was asleep, and MOUNG POGAN again expressed a wish that Mr. EDWARDS should go up, and, on this being again refused, proposed that your letter should be sent to the Governor by them, which I considered it my duty to refuse ; Captain LATTER, at the same time, explaining that if it were proper to send the letter by them, it were unnecessary to have sent the captain of an English man-of-war, and the next in command to the Commodore, with it.

"About this time, an officer came up, whom I recognised as one who had been on a deputation from the Governor to the Commodore ; and, being anxious to have matters settled amicably, I requested Captain LATTER to explain to him how improper the treatment we had received had been ; that he must be well aware that every deputation from the Governor and Deputy Governor had been received by the Commodore at all times, and with courtesy ; and, if it had been that the Commodore had been asleep, his principal officer would have had him awakened, and made acquainted with the fact of a deputation being in waiting for an audience with him, that he might receive it ; and to impress upon him the propriety and necessity for me, bearing a friendly letter from the Commodore, being received immediately ; for if I was not, I must consider it a premeditated insult, and go away and report the circumstance.

"I was quite satisfied of the insincerity of the statement relating to the Governor being asleep, from the manner of the attendant, and from the fact of MOUNG POGAN asking Mr. EDWARDS to go up to the Governor, and indeed from his appearing at the Governor's when we arrived—for, when we were getting our horses, to ride up, this MOUNG POGAN appeared, and was asked by Captain LATTER if the Governor knew we were coming, and he said he did not know ; then Captain LATTER said, 'You had better go up, and say that we are coming ;' to which he answered, 'I am a subject of Burmah, and cannot take a message to my Lord the Governor, unless I had permission from him.'

"Finding, after some little time, that the officer alluded to above did not return, I conceived it to be my duty to return, and report the circumstance ; in doing so, I returned most leisurely, to give them time to send after me with an apology ; and not finding my boat at the landing-place, I waited her arrival (for the same purpose), rather than come off earlier in a merchant-ship's boat, which was offered me."



On their return to the frigate, Commander FISHBOURNE reported (as above) to Commodore LAMBEET, the treatment the deputation had received. The Commodore appears to have instantly decided upon the course he would pursue:—without affording time or opportunity to the Governor to explain or apologise for what had occurred, without referring the matter to the government of India, which he might have done in a few days, or to the government of Ava as he had done before, he resolved, that very day, to enter upon hostilities with the Burmese nation. “The Commodore forthwith directed a boat to be sent to summon some of the English residents from the shore. On their arrival, he warned them to be prepared to leave the town during the afternoon, and requested them to give notice to all other British subjects. He ordered all the boats of the squadron to assist in bringing them off, and a steamer to be off the wharf to cover their embarkation.” \* They were allowed to leave, without molestation.

“The British subjects, men, women and children, to the amount of several hundred, took refuge during the afternoon on board the shipping in the river, and before the evening had set in, the vessels had commenced dropping down the river.” †

“It was dark before the Commodore issued orders to seize what was usually styled, the ‘Yellow Ship.’ ‡ This ship, which belonged to the King of Ava, was anchored a little above the squadron. The same day, the following notification of blockade appeared:—Let the reader recollect that all these occurrences took place on the afternoon and night of the 6th January, in consequence of the deputation of that day ‘*having been kept waiting for a full quarter of an hour in the sun.*’” §

#### “NOTIFICATION.

“*In virtue of authority from the Governor-General of British India* I do hereby declare the rivers of Rangoon, the Bassein, and the Salween above Moulmein, to be in a state of blockade; and, with the view to the strict enforcement thereof, a competent force will be stationed in, or near, the entrance of the said rivers immediately.

“Neutral vessels, lying in either of the blockaded rivers, will be permitted to retire within twenty days from the commencement of the blockade.

\* P. 46. † Ibid. ‡ Ibid. § P. 72. Captain Latter’s Narrative.

"Given under my hand, on board Her Britannic Majesty's frigate *Fox*, off the town of Rangoon, the 6th of January, 1852.

"GEORGE R. LAMBERT,

*"Commodore in Her Britannic Majesty's Navy."*

"By command of the Commodore,

"J. L. SOUTHEY, *Secretary.*"

Let us now pause for a moment to recapitulate the facts which we have been narrating. It has been seen that Commodore LAMBERT, setting aside the instructions he had received, refused to communicate with the former Governor of Rangoon, on the plea of a long list of fresh complaints having been preferred against him; and that the Governor-General of India, whilst refusing to espouse those grievances, had sanctioned the course which, the Commodore had taken upon himself to pursue. We have seen how Commodore LAMBERT entered into correspondence with the Court of Ava, although instructed not to do so, until he had been refused reparation by the Governor; and how he remained off Rangoon, waiting the reply, which he peremptorily demanded in thirty-five days, notwithstanding that the Governor-General had intimated to him that, pending the return of an answer, he might proceed to the Persian Gulf; and we have seen that these deviations from his instructions received the sanction of the Governor-General of India.

Need we wonder at what followed? In the teeth of an express injunction, that, even should the reply to his demand for redress be unfavourable, no act of hostility was to be committed, "*nor until definite instructions regarding such hostilities shall be given by the Government of India.*"\* Commodore LAMBERT commenced hostilities, by seizing the King's ship, and declaring the coast in a state of blockade, and this, notwithstanding that he had himself five days previously in his letter to Sir JOHN LITTLER, declared his belief *that the King of Ava was sincere in his promise of reparation "and would fully act up to what he had promised;"* and to crown all, let it be added that these hostile acts were committed before the answer from the King of Ava (which the latter believed Commodore LAMBERT, was himself carrying to Calcutta) could have been received by the Governor General of India, he being at that

time in Camp at Benares. It may be added, that when received, it elicited from the Indian Government, the following testimony to its pacific and conciliatory character.

“The letter addressed by the Ministers of the King of Ava to the Government of India, was friendly in its tone, and entirely satisfactory in its tenor. The Court of Ava promised at once to remove the Governor of Rangoon, and to inquire into, in order to redress, the injuries complained of.

“If there had been any good reason to doubt the sincerity of these assurances, their prompt fulfilment must have cleared away those doubts. The offending Governor was at once removed, and his successor took his place at Rangoon.”\*

And here I will only mention for future comment, the fact, the almost incredible fact, that there does not appear in the whole of the papers presented to Parliament, one word or syllable of remonstrance or remark on the part of the Governor-General, in vindication of his own authority—no not even after Commodore LAMBERT, as if in very derision and mockery, had in his notification declared the coast in a state of blockade, “*in virtue of authority from the Governor-General of British India.*”†

The conduct of the Governor of Rangoon is now a subject of minor importance;—the question for the statesman, the historian, and the moralist is—were we justified, whatever his behaviour was, with the known friendly disposition of the King, in commencing war against the Burmese nation? Let us, however, see if the papers before us will throw any light upon the origin of the treatment which the English deputation received at the house of the Governor.

And in the first place, as it is only fair that he should be heard in his own defence, I insert a letter of explanation addressed by the Governor of Rangoon to the Governor-General of India. The letter bears no date, but it was delivered to Commodore LAMBERT on the 8th January :—

“LETTER DELIVERED TO COMMODORE LAMBERT BY A DEPUTATION FROM  
THE GOVERNOR OF RANGOON.

“I, MAHAMENGHLA MENG KHANNYGYAN, appointed by the King of Ava (here follow the Royal titles) and by the great Ministers of State,

\* P. 14.

† P. 51.

after due consultation, to rule all the Southern Districts (*i. e.*, from Promé to Martaban, including Rangoon), and to have my residence at Rangoon, inform the English rulers and war-chiefs :

“ That in conformity with the demand made by the English rulers, that the former Governor of Rangoon should be removed from his situation, on account of having oppressed and maltreated British merchants trading with the Port of Rangoon, and in order that a proper person might be appointed as Governor of Rangoon who would be capable of protecting the merchants and poor people, the former Governor was recalled to the royal presence. A letter was sent to the English rulers, informing them that a proper investigation into all complaints should be made, and I arrived at Rangoon.

“ Being actuated by the highest feelings of friendship to Commodore LAMBERT, whilst I was intending to send for him, the interpreter, EDWARDS, came and told me that he had come to acquaint me that Commodore LAMBERT wished to have an interview with me ; and, as I was fearful that any of the others might behave discourteously, and not according to the rules of etiquette, I decreed that the interpreter EDWARDS, might come with the letter or communication. But after some time, four inferior officers, an American clergyman, called KINCAID, and the interpreter EDWARDS, came in a state of intoxication, and, contrary to custom, entered the compound on horseback ; and whilst I was asleep, and the Deputy Governor was waking me, used violent and abusive language. They then went away, and conveyed an irritating message to the Commodore ; and that officer, listening to their improper and unbecoming representations, and with a manifest inclination to implicate the two nations in war, on the 6th of January, 1852, at night, with secrecy, took away the ship belonging to His Majesty the King of Ava.

“ I however, in consequence of there being a treaty of peace between the two nations, did not re-seize the vessel ; and though they were the bearers of a Royal message, on account of their unjustifiable conduct. The frigate stuck on the shore near Dallah. I did not, however, molest them, or destroy them, but acted worthily to these unworthy men ; and I now represent this conduct of Commodore LAMBERT to the English rulers, who came from one country to another, and behaved in a manner unbecoming an Ambassador.”

Passing by the charge of “ intoxication ” as unworthy of notice, we come to the real ground of offence in the fact of “ four *inferior* officers ” having, “ contrary to custom, entered the compound on horseback,” or in other words, having rode, without invitation, into the open court of the Governor’s palace. The reader, if he has perused Mr. Crawford’s interesting narrative of his mission to Ava, in 1826, or if he enjoy the pleasure of the acquaintance of

that best living authority upon the habits of the Burmese, will have no difficulty in understanding the cause of the unseemly wrangle which took place between the British deputation and the Governor's attendants. One of the gravest questions of Burmese etiquette was involved in the approach of a visitor, whether on an elephant or on horseback, to the Governor's residence. The English officers outraged, perhaps unconsciously, his most cherished sense of dignity and decorum, in riding into the Governor's compound. They had no right, being subordinate in rank, to a formal reception. Commodore LAMBERT was alone entitled to that honour, and the preliminary arrangements for their meeting would have, perhaps, called for the display of great tact and temper. In all probability, the settling of the ceremonial of an interview would have taken more time than the negotiation for the payment of the thousand pounds. But, surely, Englishmen, who have the most formal Court in Christendom, ought not to be the least tolerant of Asiatic ceremonies. Commander FISHBOURNE seems to have thought it quite sufficient that Captain LATTEP dispatched MOUNG POGAN a little in advance of the deputation "to say that we are coming." What should we think of an American deputation who required us to dispense with our Lord Chamberlains, Goldsticks, and Beef-eaters, and receive them after the simple fashion of the White House at Washington? Might we not probably doubt if they were sober?

In a word, the Governor was "asleep," *anglice*, "not at home," to avoid the embarrassment and danger of an interview. But he did not refuse to receive the Commodore's letter; he requested Mr. EDWARDS to bring it, and moreover, according to Commander FISHBOURNE's statement, MOUNG POGAN and the attendants in the Governor's compound begged to be allowed to convey the letter to their master. But I find that the Governor-General of India, in a long and elaborate Minute of February 12th, in which the incidents of the rupture are recapitulated, admits the breach of etiquette on the part of our officers:—

"*Assuming,*" says the Governor-General, "*that there was in the deputation of these officers a neglect of strict form, although (be it observed) no such forms had been attended to on his own part, by the Governor of Rangoon, whose letter had been conveyed to the Commodore by officers*

of the humblest rank, and admittance had been freely granted to them ; *admitting, I say, that ceremonial had not been duly observed*, the omission affords no justification whatever, for the insult and contumely which were publicly heaped upon these officers, the known agents, for the time, of the Government they served."

And again,

"The persons of the officers were known, their mission was known, their approach had been announced ; *and although the omission of ceremonial form to which I have alluded, might have given to the Governor a plausible pretext for declining to receive the officers in person*, his own conduct in the transmission of his communications had greatly weakened that pretext ; while nothing could justify the gross, deliberate, and studied affront which was put upon the British Government, in the person of its officers, conveying a communication on its behalf to the Representative of the King of Ava."\*

The same loose and illogical reasoning which I have before had to notice, characterises these passages from the Governor-General's "Minute." What could possibly be more inconclusive than the argument, if I may call it so, in the above extract, where, after admitting the breach of etiquette on the part of our officers, it is contended that the Governor of Rangoon had no right to complain, because he had himself sent letters to Commodore LAMBERT, "by officers of the humblest rank, and admittance had been freely granted to them." This might have been a valid plea if the complaint of the Governor had been that his visitors were of too low a rank ; but it was just the reverse—the very thing desired by him was, that the Commodore would follow his example, and forward his letter by a person in the humble position of Mr. EDWARDS, or one of his own attendants. The embarrassment of the Governor, arose from his being called on to give audience to visitors who were not his equals in rank, and who yet could not be treated as inferiors, or messengers. To Englishmen, all this appears excessively childish, and it is because it does so, that an English Governor need not trouble himself about such matters ;—not so with the Burmese :—"With them," says the Governor-General in the same "Minute," "forms are essential substance, and the method of communication and the style of address, are not words but acts."† And it is worthy of notice, that at a subsequent stage of this affair, in the "Minute" for the guidance

\* P. 65.

† P. 66.

of General Godwin, when he was dispatched in command of the expedition to Rangoon, the Governor-General, after ordering him in a certain contingency to arrange a meeting with the chief officer of the King of Ava, adds:—"the forms of such meetings should be arranged previously, and a record made of them; it being understood that they are to be the recognized forms of reception of the British agent for the future."\* It is a most perplexing fact throughout these papers, that although it is apparent that the Governor-General perceives the rashness of the acts of Commodore LAMBERT, and even provides against their repetition in future, and whilst it is impossible to doubt that he must feel the humiliation of having his authority entirely set aside—yet not one word falls from him, to show that he was more than a passive looker-on at the contemptuous disregard of his own instructions!

But to return to the scene of operations before Rangoon, where, as will be recollected, Commodore LAMBERT had declared the coast of Burmah in a state of blockade, and seized the King's ship, because his officers had been kept a "full quarter of an hour" waiting in the sun.

Much has been said about the arrogance of the Burmese, their contempt for other nations, and their desire to enter upon hostilities with the English. The papers before us prove, on the contrary, that they felt the utmost dread of our power. A covey of partridges with a hawk in view, ready to make its fell swoop, or a flock of sheep with a wolf's eyes glaring into the fold, could not shrink more timidly from their terrible and irresistible foe than did the Burmese officials at the prospect of a hostile collision with England. Captain LATTEr says, that so great was their apprehension when the Commodore seized the King's ship, that "they even seemed alarmed for the safety of their own heads."†

"On Wednesday, the 7th January, at day-break, Her Majesty's Steamer, *Hermes*, took the King's ship in tow, and the whole squadron proceeded down the river a short distance, the frigate remaining a little below Dallah."‡ I must here introduce the reader to an interesting personage, in the Governor of Dallah.

"But whilst the conduct of the Rangoon authorities was so unsatisfactory," says Captain LATTEr, in his narrative of the earlier events

\* P. 83.

† Captain Latte'r's Narrative, p. 47.

‡ P. 47.

before the arrival of the new Governor, "a marked exception existed in the person of the Governor of Dallah, a town on the other side of the river. Commodore LAMBERT, from information he had received of the favourable disposition of the Governor, had paid him an unofficial visit, in order, personally, to impress upon an officer of his rank and respectable character, his (the Commodore's) peaceful views and wishes. The Commodore was received by the Dallah Governor with the greatest courtesy and respect; and throughout the whole of the subsequent annoying transactions, the conduct of the Dallah Governor was all that could be expected from a good man and a gentleman." \*

Let us now continue the narrative of the events of the 7th of January, as they are given to us by Captain LATTE.

"During the morning of this day, the Dallah Governor came off, being sent by the Governor of Rangoon to see what he could do in the business. The Commodore informed him, that in consideration of his (the Commodore's) personal regard for him, and as a mark of the appreciation in which he held his admirable conduct during the whole time the expedition had been lying off Rangoon, he would in a measure, deviate from his first intentions, and that he would again open communications with the present Governor, if that officer would come himself on board his frigate, and express his regret for the insult that he had offered to the British Flag, in the persons of the deputation sent to him the previous day. The Dallah Governor took his leave, and after some hours, the Under-Governor of Rangoon, with the interpreter, MOUNG POGAN, made his appearance. He was the bearer of a letter† from the Governor, declaring that he really was asleep when the deputation reached him; that he did not wish to see a deputation of inferior officers; that he would see the Commodore, and wished the Commodore to go to him. He did not in the slightest degree express any regret or sorrow for what had occurred. The Commodore informed the Under-Governor, that he would not swerve from the ultimatum he had already given through the Governor of Dallah, and he gave him till noon of the next day to make up his mind. A good deal more conversation took place, owing to the Under-Governor endeavouring to shake the Commodore's determination. Both he and the others contradicted themselves every few minutes; now asserting that the Governor was asleep at the time the deputation came to his door; next asking why Mr. EDWARDS did not come to him when he sent to call him. At one time the Under-Governor denied being at the interview in which Mr. EDWARDS complained of having been threatened with a dagger; then, when pressed, acknowledging that he was at the interview, but that he had neither seen or heard anything about it. It would be as tedious, as it would be unnecessary, to enter into a detail

\* P. 43.

† This letter is not given, as it ought to have been.



of all the lies and subterfuges they were guilty of, till at last they left the frigate, when they complained of the seizure of the King's ship. The Commodore informed them that he had seized it because it was the King's ship ; that had it been a common Burmese merchant-ship, he would not have taken possession of it ; and that he seized it, as much for the purpose of showing them that the acts of subordinates, if not promptly disowned and punished by those whom they represented, would be inevitably visited on the principals ; *that he had no doubt, that when the King of Ava became acquainted with the insolent conduct of his subordinates to those who came to make a friendly communication, refusing to receive such communication, and thus jeopardizing his Throne, he would visit them with condign punishment* ; that if the Governor of Rangoon wished to avoid such a fate, he had only to accede to his, the Commodore's demands in everything ; that then, when all his demands had been fully complied with, he would give back the King's ship, and salute the flag of Burmah with a royal salute. He furthermore impressively added, that until further instructions came from the Governor-General of India, of which they would be duly informed, nothing should induce him to act aggressively, unless they commenced hostilities themselves ; and he concluded by saying, that should any detriment occur to the King of Ava, from what had occurred, it would wholly rest upon the head of the Governor of Rangoon."

It will be seen that the difficulty between the Commodore and the Governor turns still upon a point of etiquette. The Governor complains of the deputation of "inferior officers"—wishes to see the Commodore himself, and asks him to come on shore to him ; the latter insists upon the former going on board his ship to make an apology ; instead of which, the Governor of Rangoon sends his deputy Governor, for he himself would probably prefer death to the dishonour which he would suffer in the eyes of his people, if he were to submit to the humiliating terms proposed to him. And I will here mention the fact, that when these conditions were made known to the Governor-General of India, he, *without comment*, expunged from the ultimatum the harsh condition requiring a visit to the Commodore's ship, and merely demanded a written apology.\* But this altercation between two subordinate officers is a matter of secondary importance ; the real question being, was Lord DALHOUSIE, the Governor-General of India, who adopted as his own all Commodore LAMBERT's acts, justified in commencing hostilities against the Burmese nation, after the proofs afforded

\* P. 53.

of the fair and conciliatory disposition of the King? The passage in the above extract which I have marked with italics, appears to me to decide the question; for there we find the Commodore himself declaring, *after* he had seized the royal ship, his belief that the King was still actuated by such just and friendly feelings, that he would visit with condign punishment those who had insulted the deputation. *What possible pretence could there be then for committing an act of hostility against him?*

During the next day, Thursday, the 8th, the Dallah Governor came on board the frigate, and stated that "he was very anxious that the Commodore should give up the King's ship, as that any punishment the King might inflict upon his servants for its loss might be partially visited upon him, as the ship was taken away in the waters between his government and that of the Governor of Rangoon." \* This request was refused, but as a mark of esteem for the Governor of Dallah, the Commodore prolonged the time for the Rangoon Governor to accede to his terms from noon till sunset. The Commodore now received a message from the Governor of Rangoon, "to the effect, that if he attempted to take the King of Ava's ship out of the river, he would fire on him." †

I have already stated, that on this day, a letter of explanation from the Governor of Rangoon ‡ to the Governor-General of India was delivered by a deputation to Commodore LAMBERT, to be forwarded to Calcutta.

Now follows the catastrophe, which must be described in Commodore LAMBERT's own words :—

"Shortly after daylight this morning (January 10th) I weighed, and caused the merchant-vessels to follow me. They were assisted and guarded by the East India Company's steam-vessel *Phlegethon*, and the boats of this ship. *On my arrival off the great stockade, I anchored, and found it occupied by a considerable force.* An immense number of large war-boats, with guns mounted in them, were also lying close to the shore, and at the entrance of a small creek, under the walls of the stockade, and were fully manned. Their behaviour was exceedingly threatening, but I refrained from interfering with them, as I had promised yesterday that I would not fire on the Burmese first.

"Her Majesty's steam-sloop *Hermes*, with the King of Ava's ship in

\* P. 48

† P. 41.

‡ Ante p. 28.

tow, passed us at half-past nine, when the stockade opened a sharp cannonade on Her Majesty's ship *Fox*, which was instantly returned with shot and shell, and the Burmese battery was in a short time silenced. On the smoke clearing away, not a person was to be seen on the shore or in the boats.\*

"Our fire, I have no doubt, must have done great execution, for I have reason to believe that at least 3000 men were opposed against us. One or two of the enemy's shot struck the *Fox* but did very trifling damage. Their shot in general fell short, a few only passing over us, and their small arms did no execution.

"I then sent the *Phlegethon* and the boats of the *Fox* close in shore, to destroy the war-boats, which was easily accomplished, and their guns spiked, or thrown into the river. Their crews, being unable to stand our fire, had fled on the first broadside.

"The *Hermes*, in the meantime, engaged a stockade on the opposite side of the river, which had opened a fire on her; her heavy guns and a few rockets soon silenced this battery, and compelled the Burmese to retire."†

A word or two in the way of recapitulation. On the 6th, at night, Commodore LAMBERT seized the King's ship which he held in his possession at anchor opposite the town for three days, during which time the Burmese made no attempt to retake it; but, on the contrary, conciliatory visits were paid to the Commodore, by the authorities of the highest rank in the neighbourhood, (short of the Governor of the district); and letters of explanation to the Governor-General and to Commodore LAMBERT, as well as friendly messages, were forwarded from the Governor of Rangoon himself. There is no reason to suppose that any act of hostility would have been committed, had the King's ship been merely kept at anchor, in the power of the British. But to have allowed a Burmese ship of war to be towed out of the river by foreigners, passing under the great stockade, or battery, without molestation, would have involved the disgrace and destruction of those who were responsible

\* On the news of this event reaching England, it gave rise to a discussion in the House of Lords, when the following remark was made by Lord DERBY, then Prime Minister (April 5th, 1852):—

"On receiving information of the insults offered to Commander FISHBOURNE, Commodore LAMBERT said it was impossible that he could continue communications with such a government, and actually withdrew;—but unfortunately, as I think, by way of retaliation for the insults offered to his officer, taking on himself without previous instructions, to seize a vessel of the King of Ava, which he carried with him."

† P. 41.

to the King of Ava, for the protection of his property. Notice was therefore given, that if the Commodore attempted to remove the King's ship out of the river, he would be fired upon: upon which, as if determined to force a collision, taking his own vessel the *Fox* opposite the great stockade, he there dropped anchor; the *Hermes* passed with the King's ship in tow, and the stockade opened a fire, apparently with no other object but to save the honour of the Burmese flag, for upon the discharge of a broadside from the *Fox* the battery was silenced, and its garrison fled. "Great execution," we are told, was done by our fire: I hope not; for in the eyes of God, and of just men, every life sacrificed must, I fear, be regarded as a case of murder.

Let us suppose that, instead of Rangoon, the scene of these operations had been at Charleston. There is at present pending between this country and the United States a question of difficulty and delicacy, arising out of the conduct of the authorities of South Carolina at Charleston, who have seized a British sailor, on no better plea than that his skin is not so white as that of his captors, and subjected him to confinement in a common gaol, until the departure of his vessel. We shall suppose that the commander of our squadron on that station, Commodore LAMBERT by name, has been dispatched to demand redress. On his arrival at Charleston, he finds the Governor such an impracticable pro-slavery character, that he addresses a letter of complaint to the Federal Government at Washington, in reply to which he receives a conciliatory answer, assuring him that everything possible shall be done to remedy the grievance. On announcing the receipt of this communication to his own government, the Commodore adds, "I am of opinion that the *President* is sincere, and that his government will fully act up to what he has promised."\* Before this announcement has reached London, where it would be made the subject of complimentary remark by the Minister of the Crown,†

\* *Ante*, p. 13.

† When the news of the removal of the Governor of Rangoon reached England, and before the subsequent events were known, it elicited from the representative of the then Whig Administration in the *House of Lords* the following remarks:—"The events proved," said the Marquis of LANSDOWNE, "the propriety and justice of the Commodore's mode of proceeding; for that letter addressed to the King of Ava was taken into consideration by him

we will suppose that an insult has been offered by the Governor of South Carolina to some officers of the British squadron—the bearers of a letter from the Commodore. A ship of war belonging to the Government of the United States, lying at Charleston, is instantly seized, and, notwithstanding notice was given, that if an attempt should be made to carry her off the Commodore's ships would be fired upon from the shore, she is towed out to sea, the American battery opening fire as they pass, and receiving in return a broadside which does "great execution." What would have been the response to this news when it reached England? Can any one doubt that one unanimous cry would have been raised for the disgrace and punishment of Commodore LAMBERT? And why is a different standard of justice applied in the case of Burmah? Ask your own conscience, reader, if you be an Englishman, whether any better answer can be given than that America is powerful, and Burmah weak.

It might be expected that having carried off a ship of war and killed a number of the Burmese forces, sufficient "satisfaction" had been obtained for a claim of £920. But the coast of Burmah was still declared in a state of blockade.

On the day after the removal of the King's ship, the following petition from the resident merchants, prepared at the instance of the Governor, was sent by a flag of truce to Commodore LAMBERT, but no answer was returned:—\*

PETITION FROM THE ARMENIAN, MOGUL, SOORATTEE, NURRAPOOR, PARSEE, CHULIAH, AND MUSSULMAN INHABITANTS AND MERCHANTS OF RANGOON TO COMMODORE LAMBERT.

"January 11th, 1852.

"THE two great countries being in peace, your petitioners have continued with their wives and children for many years to reside and trade in this country.

and his Majesty felt that reparation was due to us, and immediately removed the Governor from his post. *I have no reason to presume that the redress asked for will not fairly be given. The course taken by the King has been extremely just*; and he has sent two persons to the spot, in order to inquire into the various acts of injustice, and settle the amount of compensation to be paid in respect of them" Long before these observations were made (February 16th, 1852), Commodore LAMBERT had carried off this "just" king's ship, and done "great execution" amongst his subjects.

\* P. 42.

"The late Governor (of Rangoon) having been dismissed for unjustifiable and improper conduct, was taken to the Golden Feet (capital of Ava), in obedience to the royal order, for punishment.

"Subsequently, the Aye Bain (present Governor) having arrived, was prepared to meet and discuss with the Commodore whatever remained to be adjusted. *Not having been enabled to do so, he has sent for and desired your petitioners to make the following representation respecting the communication made to the Governor of Dallah, viz.*

"That he is willing to abide by the provisions of the Yandaboo Treaty.

"To agree to a Resident being appointed.

"To pay the sum of upwards of 9000 rupees.

"And to have a Residency House erected.

"In accordance with the Royal order, the above subjects were to have been discussed by the two great men in an amicable and friendly manner, but Commodore Lambert has not given him an opportunity of doing so.

"Your petitioners and the merchants, both great and small, at Rangoon and at the capital of Ava amount to upwards of 600 souls, 'who are in a condition of being stranded in shallow water.'

"Your petitioners, therefore, most humbly entreat you, in the name of Almighty God, to have pity upon them, and to save and protect them from ruin and destruction."

Abandoning in despair any further attempts to propitiate Commodore LAMBERT, the Burmese now addressed themselves to *Colonel Bogle, Commissioner in the Tenasserim Provinces*, a territory which was wrested from Burmah in the war of 1826, and which lies upon the frontier of that empire. To him the Governor of Rangoon forwarded, on the 16th January, a letter for the Governor-General of India, the contents of which were almost a repetition of the letter delivered by a deputation from the same functionary to Commodore LAMBERT on the 8th. The Governor of Martaban, a Burmese port situated opposite to Moulmein, the principal sea-port of Tenasserim, forwarded also at the same time the following letter to Colonel BOGLE:—

"THE GOVERNOR OF MARTABAN TO THE BRITISH COMMISSIONER AT MOULMEIN.

"January 21st, 1852.

"TIKLA MYO TSA MOTAMA MYO MINGYEE (Martaban Governor) Mingyee Maha thinka yah, informs the Moulmein Mingyee and Aya-bing Ming (Commissioner and Principal Assistant Commissioner), that,

forasmuch as peace and tranquillity is the sole object in view between the two great kingdoms, a friendly intercourse being established, traffic has hitherto been carried on between the merchants of the two countries without interruption. In consequence, however, of complaints having been preferred against the former Rangoon Myowoon, that he oppressed foreign merchants, certain English officers were dispatched on a mission to represent them. These officers arrived, and thirty-five days being fixed as the period within which their despatches were to be transmitted, and the Royal answer received, *while yet the mandate issued from the Shuay Shoot Tah (the Golden Royal Court) was on its way to India, there came the intelligence that the English officers had attacked and carried off the King's ship out of the port of Rangoon.* Now the Governor-General of India simply appointed the Mission to treat; *they had no instructions to fight*; and, should this capture of His Majesty's ship prove the occasion of a fierce war, the trade between the two countries will be sacrificed for an unprofitable quarrel. It is not right that there should be a war. The character of those in authority depends upon peace, and a free and uninterrupted trade; hence, therefore, the dispatch of these letters; and it is requested that the English Government will return a full and explicit answer to them.

The common sense and logic of the above, as well as its philanthropic sentiments, present, I am sorry to say, a most favourable contrast to the Christian side of this correspondence. This letter ought, in fact, to have been written by the Governor-General of India to Commodore LAMBERT, calling on him to justify his seizure of the royal ship, whilst the King of Ava's letter was still on its way to India, and reminding him that he was sent on a mission to treat, but that he had strict injunctions not to fight.

In this and the other Burmese letters written after the rupture, the seizure of the King's ship is alluded to with an emphasis which shows that, although certainly unacquainted with the writings of VATTEL or PUFFENDORF, the writers are well aware that it constituted an act of war; and since no declaration of war had been published, and seeing that they still regarded Commodore LAMBERT as merely the bearer of a communication to their Government from a superior power, to whom an answer conceding all that was demanded had been returned by the King of Ava, they were perplexed at the conduct of the English Commander, and sometimes almost doubted whether he was really the person he represented himself to be. "Unlike a man of the world, son of a great country," says the Governor of Rangoon, "and actuated

only by a wish to create a quarrel, he *covertly unmoored and carried off the great ship.*"\* And in another letter he says, "On the 6th January, at midnight, Commodore LAMBERT took away the ship belonging to His Majesty the King of Ava. On the following day, I sent the Deputy-Governor of Rangoon to represent to Commodore LAMBERT, that the act of taking His Majesty's ship *by stealth, and unjustly, was in no wise in accordance with the acts proper to two great nations.*"† "In a manner unbecoming the sons of a great nation," says the Governor of Bassein, "*you secretly stole and took away the ship belonging to the King of Ava.*"‡ And again, to quote from another letter from the Rangoon Governor: "Commodore LAMBERT expresses surprise at having been fired at by the officers in charge of the stockades of Dumont and Thilawa, but it is a matter of greater surprise that the Royal Ship of His Majesty should have been seized at midnight, contrary to the custom of great nations and the rules of justice."§ In fact, throughout all the subsequent correspondence, there is on the part of the Burmese, a constant recurrence to this outrageous act of violence. They attached comparatively little importance to the blockade of their ports;|| but neither the French, nor the Americans could apparently have felt more keenly than they did, the insult offered in the seizure, "at midnight" of the King's ship.

Let the reader of the few remaining pages of this narrative, always bear in mind that the two contending parties, from this moment, stand in the following relative positions towards each other. The English complain that the Burmese have extorted 9948 rupees, (a fraction under a thousand pounds) from British subjects, and that a deputation of their officers has been kept waiting "a full quarter of an hour" in the sun; and on the other side, it must be remembered that the English have carried off the only ship of war belonging to the Burmese Government, (worth probably ten times as much as 9948 rupees,) doing in the act "great execution" amongst their troops, without suffering any loss or injury themselves, and that they have established a blockade of all the Burmese ports.

I have said that a letter was sent by the Governor of Rangoon,

\* P. 58.

† P. 63.

‡ P. 71.

§ P. 56.

|| P. 68.



through Commodore LAMBERT, to the Governor-General of India, on the 8th of January, two days after the seizure of the King's ship. The reader is requested to reperuse that letter.\* It will be seen, that after an explanatory allusion to his own conduct towards the deputation, which he charges with having been intoxicated, the Governor makes a complaint that the Commodore had a "manifest inclination to implicate the two nations in war;" and he concludes with these words, "I now represent this conduct of Commodore LAMBERT to the English rulers, who came from one country to another, and behaved in a manner unbecoming an ambassador."

The reply of the Government of India, is dated January 26th. The letter begins with an expression of extreme surprise that the Governor of Rangoon had listened to the falsehoods of his servants respecting the inebriety of the officers composing the deputation, and then proceeds to complain of the disrespectful conduct shown to them "at the gates of the Governor's palace."†

"If," continues the despatch, "those officers were inferior in rank, as the Governor now declares, and if the customs of his country were thereby violated, or any apparent disrespect were shown to the Governor, or his Sovereign, the departure from custom ought to have been properly represented by the Governor, when the error would, doubtless, have been corrected."

After declaring that the Government of India would not allow its officers to suffer insult, without requiring reparation, the letter concludes with the following specific demands :—

"1. The Governor will express, in writing, to the Government of India, his deep regret that Commander FISHBOURNE and the officers deputed by Commodore LAMBERT to the Governor, should have been treated with disrespect, and exposed to public insult at his own residence, on the 6th of January.

"2. He will consent to pay immediately the compensation already demanded of 9,948 rupees, for injuries done to Captain SHEPPARD and Captain LEWIS.

"3. He will consent to receive with the honour due to the Representative of the British Government, the accredited Agent whom, in accordance with the 7th clause of the Treaty of Yandaboo, the Government is prepared to appoint.

"If these concessions shall be made, the British Government will agree as follows :—

"1. The Government of India will depute an officer of rank to proceed to Rangoon, in order to adjust the final settlement of the questions

\* Ante, pp. 30, 31.

† P. 52.

above mentioned, and to arrange the details for the reception of the Agent. The preliminaries having been settled by the subordinates of the chiefs, a meeting shall take place, and all differences shall be composed.

"2. On this settlement being completed, the ship belonging to the King of Ava, which has been seized by the squadron, shall be released.

"3. The blockade shall be removed, and entire concord shall be restored.

"If these demands shall be refused, the British Government will thereafter exact for itself the reparation which is due for the wrong it has suffered."

The reader will observe that not the slightest allusion is made to the complaint of the Governor of Rangoon respecting the seizure of the King's ship. On the contrary, it is assumed that the British are still the aggrieved parties, to whom reparation is due, notwithstanding the capture of that vessel, and the slaughter which accompanied its removal. I ask the reader again to suppose that a similar despatch, under the like circumstances, had been received from America, would the complaint in such a case have passed unnoticed ?

I give the answer of the Rangoon Governor in full. The letters of the Burmese authorities, translated into English, be it remembered, by a hostile pen, are remarkable for their terseness and clear common sense, and offer a striking contrast to the lengthy, rambling, and inconclusive reasoning which characterises the British part of the correspondence :—

"THE GOVERNOR OF RANGOON TO MR. HALLIDAY.

*"Rangoon, February 2nd, 1852.*

"MAHAMENGLA MENGKHOMYGYAN (with titles), Governor of Rangoon, informs Mr. FREDERICK JAMES HALLIDAY, Secretary to the Government of India (with titles).

"With reference to the demand of an expression of deep regret for the circumstance of the deputation of officers sent by Commodore LAMBERT on the 6th of January last, being said to have been publicly treated with disrespect ;

"With reference to the being willing immediately to make good the sum of 9,948 rupees, said to have been extorted from Captains LEWIS and SHEPPARD, by the former Governor of Rangoon ;

"With reference to being willing to receive a Resident with all honour due to his rank and station, in conformity to the VIIth Article of the Treaty of Yandaboo ;

"That with reference to the above three points, if they are acceded

to by the Governor of Rangoon, first, the ship belonging to the King of Ava, which has been seized, will be given back ; secondly, the blockade now existing will be raised, and perfect concord restored.

" With reference to the above points contained in your letter, I, the Governor of Rangoon, taking them into my careful consideration, give the following reply :—

" On the 6th of January, 1852, Commôdore LAMBERT, at midnight, took away the ship belonging to His Majesty the King of Ava. On the following day, I sent the Deputy-Governor of Rangoon to represent to Commôdore LAMBERT, that the act of taking his Majesty's ship by stealth, and unjustly, was in no wise in accordance with the acts proper to two great nations.

" Commôdore LAMBERT stated in reply, that his reason for seizing the King's ship was, because a deputation of subordinate officers sent by him had not been received.

" Commôdore LAMBERT then wrote a letter to the Prime Ministers of Ava, as also transmitting one to myself, which were delivered to one of my subordinate officers. These letters were to the effect, that he, Commôdore LAMBERT, had seized the King's ship, because the pecuniary claims under discussion had not been satisfied.

" What Commôdore LAMBERT expressed, as above stated, both verbally and in writing, was not in conformity with the custom of great nations. This the Government of India are aware of ; moreover, being aware of it, they have written a friendly letter, evincing their wish that the long-existing good understanding between the two nations should be renewed, and commerce and communication restored as they were before.

" Therefore, as soon as the officer which the Government of India is prepared to appoint in conformity with existing treaties, shall arrive, a satisfactory and amicable arrangement can be made of the payment of the 9,948 rupees extorted from Captains LEWIS and SHEPPARD ; also with reference to the re-delivery of the King of Ava's Ship, seized by Commôdore LAMBERT.

" With reference to the question of the disrespect said to have been shown to the deputation sent with a letter by Commôdore LAMBERT, it should be borne in mind, that the English officers have been stating their own version of the case, and consequently, whilst shielding themselves, they have thrown all the blame on the other side."

Considering the sense of grievance felt by the writer, and which upon every principle of international law he was justified in feeling, remembering that not one syllable had been vouchsafed in explanation of the seizure of the King's ship, the above must be regarded as a conciliatory, nay, a most submissive communication.

*What would America have said under the same circumstances ?*

No sooner did it reach the Governor-General of India than he, (with the Burmese ship of war still in his power) resolved to "exact reparation by force of arms;" orders were given for fitting out an armed expedition, and he now proclaimed as his ultimatum that, in addition to a compliance with the preceding demands, the Burmese should be compelled as the price of peace, "in consideration of the expenses of the expedition, and of compensation for property,\* to pay ten lacs of rupees, or one hundred thousand pounds.

The "Minute," or rather the "Extract" from Lord DALHOUSIE'S Minute, professing to give reasons in justification of these hostile proceedings, extends over nearly five pages of the Parliamentary papers. In justice to his own reputation, its author ought to call for the unabridged publication of this "Minute." In the emasculation which it underwent at the Board of Control, it must surely have lost the essential qualities of the original. It has none of the dignity or force which properly belong to a State-paper. It dwells with a minuteness quite feminine upon details respecting points of ceremonial, and breaches of etiquette; but in arguing the main questions at issue, the "Minute," in its present form, must be pronounced an unstatesmanlike, immoral, and illogical production.

These are strong words, but their truth can unfortunately be proved by evidence as strong.

The date of the Minute, is February 12th. Now let it be borne in mind, that up to this time there had been no ground for suspecting that the King of Ava had authorised the perpetration of any act of rudeness or injustice on the part of his servants at Rangoon, towards the British officers, or that he had abandoned his intention, in the sincerity of which Lord LANSDOWNE, and the Governor-General of India, and Commodore LAMBERT themselves, had expressed their belief, of satisfying the just demands of the Indian Government. Lord DALHOUSIE knew that on the 7th January, the day after the rupture at Rangoon, Commodore LAMBERT had written to the Burmese Ministers at Ava, informing them of what had occurred, and concluding his letter with these words: "Any explanation the Court of Ava may wish to make on the subject, I shall be ready to forward to the Governor-General of India."

\* P. 67.

A copy of this letter was in Lord DALHOUSIE's hands. He knew that an interval of thirty-five days was required for the receipt of an answer to a despatch sent to Ava, from Rangoon, and there was the additional time necessary for sending a steamer from Rangoon to Calcutta, which, with delays, could not fairly be calculated at less than another week, making together forty-two days. Now from January 7th, the date of Commodore LAMBERT's letter, to February 12th, the date of the "Minute," is just thirty-six days; so that this hostile expedition against the Burmese nation was resolved upon before sufficient time had been allowed to the King to offer the explanation which he had been invited to give. A letter from the King was, as we shall by and by see, on its way, and actually reached the Governor-General's hands within a week of the date of his "Minute."

But the unstatesmanlike fault (to use the mildest term) of the "Minute," lies in this—that whereas the specific charges are directed against the Governor of Rangoon and him only, an assumption pervades the whole argument, that the Burmese *Government* is the offending party:—hence the vague and confused phraseology which sometimes speaks of the "King," in some places of "Burmah," and in others, of the "Governor of Rangoon." But the sole object of the paper being, to justify an armed expedition against a country with which we had a treaty of peace and commerce, it must be evident that the acts and conduct of the Imperial Government, and not of one of its local officers, could alone justify a resort to hostilities; provided always, that the Government did not assume the responsibility of the acts of its servants. What would Lord DALHOUSIE have said, if the King of Ava had insisted upon treating with the Governor of Bombay, instead of himself?

The "Minute" professes to give a very detailed recapitulation of all that had occurred at Rangoon. Entire pages are devoted to disquisitions upon controverted points of punctilio. The offence offered to the majesty and power of England, in keeping the deputation waiting in the sun "a full quarter of an hour," is discussed in all its bearings; *but there is not one syllable of allusion to the fact that Commodore Lambert had, in the teeth of instructions to the contrary, carried off a Burmese vessel of war, and done "great execu-*

tion," among those who attempted to oppose him. Now, as this recapitulation of facts is intended to justify the despatch of a hostile expedition, to demand redress for certain injuries and insults, what must be said of the suppression of the one all-important fact, that we had already retaliated by force of arms, by seizing and carrying off ten times the amount of our pecuniary claim, and inflicting a hundred fold greater insult than that which had been offered to us,—thus in fact, changing the relative position of the two parties, and placing the Burmese in the situation of appellants for reparation and justice? What shall we say when after this *suppressio veri*, the Governor-General draws the following complacent deduction in favour of his "moderation and justice." \*

"The recital I have given in the preceding paragraphs of the course of recent events, [omitting the chief event] will show that the original demand of the Government of India for redress was just and necessary; and that it was sought in a manner respectful to an independent nation. It will show, that a gross insult having been put upon this Government in the persons of its officers, *the Government has not been eager to take offence, or perverse in refusing amends. It has shown itself sincerely desirous to open a way to reconciliation; it has practised the utmost moderation and forbearance.*" †

\* The following description of the "execution" at the Stockades, when the King's ship was carried off, is extracted from *The Second Burmese War*; a volume by Lieutenant LAURIE, written at Rangoon. I give it as an illustration of the Governor-General's "moderation and forbearance."

"At length, the *Hermes* came in sight, rounding the point with the Burmese prize-vessel in tow. As she passed the Stockade, guns in rapid succession were opened on the vessels of war; at the same time, volleys of musketry were discharged upon them. The *Fox* immediately returned the enemy's fire by a terrific broadside; she likewise thundered forth against the war-boats which had ventured into the river. The *Hermes* then came up, and poured forth her shot and shell into the line of Stockade. The *Phlegethon* steamer, likewise, did vast destruction to the works. For nearly two hours were our vessels employed in spreading ruin and dismay around. During the conflict a large gun-boat having on board a gun of considerable calibre, and upwards of sixty armed men, was sunk by a broadside, when nearly all on board perished. Altogether, about three hundred of the enemy were killed, and about the same number wounded, in this first encounter with the Burmese. As the vessels proceeded down to the next Stockade, they were again fired on, but only by musketry. It was remarked, at the conclusion of these operations, that the enemy probably had no intention of serious resistance, but felt themselves obliged to make some show of defence, when they saw the King's property taken off, as the heads of the leading men were at stake."—pp. 30—31.

The reader will hardly think that more need be said to justify my charge of immorality : and now for a specimen of the illogical character of the "Minute."

In alluding to the blockade which had been established by Commodore LAMBERT, the "Minute" seeks to justify that act by reference to the instructions he had received.

"The act of the Governor of Rangoon," says Lord DALHOUSIE, "in refusing admittance to the deputation, under the circumstances of insolence and contumely which I have described, and in withholding all amends for his conduct, was rightly viewed by the Commodore as a rejection of the demand he had been sent to make. *He at once established the blockade which had been enjoined as the consequence of such rejection.*"\*

Here we have it laid down, that the refusal of redress by the Governor of Rangoon was rightly considered as a justification of the hostile proceedings which followed. The following extract from the original instructions given to Commodore LAMBERT for his guidance, by the Governor-General, will show that the very opposite course was previously enjoined :—

"The refusal of the Governor of Rangoon," says Lord DALHOUSIE (October 31st), "to accede to a demand of reparation for a distinct breach of the treaty with Ava, *if it should be upheld by his Government*, would doubtless entitle the Government of India to proceed to exact reparation by force of arms, or to inflict such punishment on the Burmese State as circumstances might seem to require. *But the Government of India could not, with justice, proceed to such extremities, until it had communicated with the Court of Ava, respecting the conduct of its servant, the Governor of Rangoon, and had thereby afforded it an opportunity of disavowing his acts, and of making the reparation which he had refused to concede.*"†

And on a subsequent occasion, on the receipt of the intelligence that Commodore LAMBERT, having determined to hold no communication with the first Governor of Rangoon, had sent a letter to that effect to the King of Ava, the Governor-General again enjoined that the blockade of the Burmese ports should be made contingent only upon his receiving an unfavourable answer from the King :—

"*If the King's reply should be unfavourable,*" says Lord DALHOUSIE (December 27th), "*the only course we can pursue*, which would not, on the one hand, involve a dangerous submission to injury, or, on the other

\* P. 65.

† P. 13.

hand, precipitate us prematurely into a war which moderate counsels may still enable us with honour to avert, *will be to establish a blockade of the two rivers at Rangoon and Moulmein, by which the great mass of the traffic of the Burmese empire is understood to pass.*" \*

Nothing could be more clear or consistent with international law than these instructions for the guidance of the British commander; but no sooner does he set them aside, and begin hostilities in retaliation for the alleged acts of the Governor of Rangoon, than the Governor-General tries to justify him by an illogical deduction from his own previous despatch.—“He at once established the blockade which had been enjoined as the consequence of such rejection” (by the Governor of Rangoon) says Lord DALHOUSIE. There was, I repeat, no authority given to the Commodore to blockade the ports in retaliation for any act of the Governor of Rangoon,—*his instructions were precisely the reverse.*

I have before alluded to Colonel BOGLE who, at the time of the rupture at Rangoon, filled the post of Commissioner in the Tenasserim Provinces, bordering on the Burmese territory. His chief residence was on the Salween river, at the port of Moulmein, nearly opposite to, and a few miles distant from Martaban, one of the principal Burmese ports. The letters of this officer are almost the only part of the correspondence which an Englishman ought to read without blushing. In perusing his despatches, it is impossible not to detect, in spite of his official reserve, and the restraints which a sense of subordination imposed on him, that he had no sympathy for the violent proceedings which were being carried on in the neighbouring port of Rangoon, and that if the affair had been left in his hands, it might have been amicably settled in a few hours. In style as well as matter, his letters present a striking contrast to many of the loose and desultory compositions which accompany them; and his conduct appears to have been characterised by an energy and a forbearance which bespeak at once a humane and yet resolute man.

At the commencement of the misunderstanding with the Burmese, Colonel BOGLE was instructed by the Government at Calcutta to prepare against a sudden attack upon his Tenasserim



The next day at noon, the steamer reached Pagat, her place of destination, when, to the astonishment of Colonel BOGLE, the first person that put off in a boat, was the identical Martaban official, who had the day before brought the letter, respecting the collision at Pagat, over to Moulmein. I cannot better describe what followed than in Colonel BOGLE's own clear and concise language :—

“ From him I learnt, that during the night he had been dispatched by the Governor of Martaban, to summon the chief of Pagat to his presence, and to take every possible measure to prevent hostilities ; and he assured me, that having pulled all night, he had arrived that morning, and had, in conformity with his instructions, dispatched the chief to Martaban, and caused it to be intimated to all the inhabitants of Pagat and the neighbourhood, that they were to conduct themselves in the most peaceful manner possible, and to do nothing that could be offensive to the English authorities ; and he begged that the people on the British side might receive similar orders.

“ He was immediately assured that I had no other desire than that all should remain quiet and peaceful, and, as a proof of my reluctance to avail myself of the power at my command, I directed all the boats which had been taken from Pagat, to be cast adrift from the stern of the *Phlegethon*, and restored to the Burmese, at the same time administering a stern warning to the recipients, that if the people of Pagat, who are notorious robbers, put a foot on the British side of the river, under the present state of affairs, they might chance to receive a less agreeable visit from the steamer, at whose crew and armament they gazed with considerable interest.

“ Having settled this matter to the entire satisfaction of the Burmese functionary, *and received his earnest protestations of a desire to remain at peace*, I visited several of our police ports and villages, where Lieutenant HOPKINSON issued such orders as seemed proper ; we then returned towards Moulmein, but *again got aground under the walls of Martaban, and remained six hours hard and fast, within pistol-range of the shore* ; during the time (it was night) we could distinctly see crowds of Burmese around their watch-fires, but except just when the steam was blowing off with the remarkable noise which it always makes, they took no notice of us.

“ Now, coupling all the circumstances of this trip with the recent communications from the Governors of Rangoon and Martaban, noticed in my letter of the 27th instant, it appears to me probable that the pacific tone assumed by the Burmese is in consequence of orders from the Governor of Rangoon, to whom Martaban is now subordinate, or it may be dictated by weakness, and a backward state of preparation.”\*

Remembering that at the moment when this despatch was penned at Moulmein, Commodore LAMBERT was actually engaged in hostilities with the Burmese at Rangoon, (seventy miles distant) that he, the accredited representative of British power in Burmah, was forwarding to the government of India, accusations against the Burmese of the most hostile designs—bearing these circumstances in mind, it is apparent how strong must have been the sense of justice which prompted Colonel BOGLE, even at the risk of being charged with travelling out of his province, to bring to the knowledge of the Governor-General of India, the above facts, showing the pacific disposition of the Burmese authorities. This feeling was still more strongly evinced in the events which followed.

On the 7th February, two Burmese officials, called *Tseethkays*, with “gold umbrellas,” crossed over from Martaban to Moulmein, with a letter from the King of Ava to the Governor-General of India, which had just arrived in eleven days direct from the Capital, with a request from the Governor of Martaban that Colonel BOGLE would transmit it to Calcutta. After delivering the letter, inclosed in an ivory case and a red velvet cover, with all proper ceremony, “they entered into some discussion on the present state of affairs, and expressed the great anxiety of their government, that the existing differences should be amicably arranged, and the Treaty of Yandaboo maintained.\*

In perusing the following account of what passed at this interview, as given in the despatch of Colonel BOGLE, it will be well to bear in mind the delicate position in which he was placed. The letter from the government at Ava to the Governor-General of India, was written in reply to the despatch sent by Commodore LAMBERT, from Rangoon, on the 7th January, apprising them for the first time, of the rupture which had occurred the day before, and offering to be the medium for transmitting any explanation or answer from the Court of Ava, to the Government of India. The ministers of the “Golden Foot,” feeling puzzled on learning that Commodore LAMBERT, instead of, as they had supposed, being on his way back to Calcutta, with the friendly answer to the Governor-General’s letter, was blockading Rangoon, and holding

\* P. 68.

possession of the King's ship, they determined naturally enough to forward their next letter through Colonel BOGLE. The latter although he was evidently too conscientious to conceal his conviction of the pacific disposition of the Burmese, yet felt bound by a sense of official duty to avoid the appearance of favouring the cause of those who were regarded at that moment as in a state of actual hostility against the government under which he served; and hence in the following account of the interview, an admonitory rebuke of the Tseetkays, and a vindication of the authority of Commodore LAMBERT fall from him, which however, whilst leaving his own opinion as apparent as ever, serves only to bring out more strongly the repugnance of the Burmese to enter into further relations with that officer:—

“They were most particularly desirous,” says Colonel BOGLE, “that further negotiations should not be conducted through Rangoon; and that I would do all in my power to procure a reply from the Governor-General, and transmit it through Martaban; in reply to which I told them, that I could do nothing more than send on the King's letter; that if an answer came to me I would, of course, forward it to Martaban with all dispatch; but that I thought it more probable it would be sent through Commodore LAMBERT and the shorter route of Rangoon; and that I had no control whatever in a matter of the kind. They did not seem at all pleased at this, but at once suggested that I might at least enable them to communicate direct with the Indian Government, by sending the Principal Assistant Commissioner (Lieutenant HOPKINSON) with them to Calcutta, in which case they were prepared to do without negotiators, and go and deliver the letter themselves. Of course I declined to depute my Assistant with them, but offered them a passage in the steamer.

“They expressed great regret that affairs had not been settled peaceably at Rangoon, and that the King's ship had been taken; but I clearly pointed out to them, that I had no power to enter upon the discussion of matters connected with that place; and explained to them, that, if there was any sincerity in their professions of a desire for peace, they should shape their conduct more in accordance with them; and that if their Government really desired a settlement of differences, it should lose no time in forwarding proper persons with sufficient powers to Commodore LAMBERT, with whom alone negotiations could be carried on.

“To this the Tseetkays expressed some dislike, and strongly dwelt upon the circumstance, that everything having taken an unsatisfactory turn at Rangoon, it would be much better to forget all that had occurred there, and to begin the negotiations at the beginning again. I took

some pains to have it clearly explained to them, that I had no power to do more than simply forward the King's letter ; but that, as regarded all negotiations, the duty of conducting them had been assigned to Commodore LAMBERT, and it was to him that their Government must address itself ; but the more I dwelt upon the propriety of following this course of proceeding, the more they urged the expediency of setting aside all that had already occurred, and beginning anew.

"The circumstance of the King of Burmah having sent a letter to the Governor-General at all, and with such haste, is remarkable ; and that he should have chosen this route, probably under the supposition that, with a blockade established, there might be difficulties on the Rangoon side, would indicate much anxiety to obtain an early reply ; and from what the Tseetkays said, there is no doubt that the answer will be looked for with great impatience. I may as well mention, that on my alluding to the stoppage of trade and intercourse as one of the evils that had already overtaken them, consequent on the acts of their rulers, the Tseetkays expressed the most perfect indifference to that, and treated it as a matter of no moment whatever."

Colonel BOGLE forwarded immediately the letter to Commodore LAMBERT at Rangoon, with a request that it might be dispatched by a steamer to Calcutta. "The circumstance," says he, in his letter to the Commodore, "of the Burmese Government having sent a letter to the Governor-General at all, and the speed with which it has come, would certainly indicate a desire that hostilities may be averted, at least for the present ; and the very convenient opportunity which this letter will afford the Indian Government of categorically detailing its demands and intentions, induces me to attach more importance to it than it would otherwise, perhaps, deserve."\*

The King's letter was written to bring to the knowledge of the Governor-General the events which had occurred at Rangoon, and with which the reader is already familiar. Considering that the seat of government is nearly five hundred miles from the sea-coast, and that the means of obtaining correct intelligence are very inferior to those in countries where the publicity of the press checks the reports of local functionaries, the occurrences seem to have been known with remarkable accuracy by the Burmese Ministry. This may probably be attributed to the high rank of the Commissioners deputed to meet Commodore LAMBERT, who, we now learn for the first time, were "the Perpetual Privy Councillor,

MAHAMENG GYAM, and the Secretary of State for Foreign Affairs, MENGGYEE MENGTEG RAZA."\* After narrating the occurrences which led to the rupture at Rangoon, and the seizure of the King's ship by Commodore LAMBERT, the Burmese Ministers conclude with the following very natural inquiry:—

"This communication is now made with the view of eliciting, in reply, the intentions of the English Government; and it cannot be determined whether it has deputed Commodore LAMBERT simply to dispose of the question relating to the merchants, or whether he has been sent to begin by an attack, which should have the effect of bringing on hostilities between the two countries."†

Before this letter reached Calcutta, Lord DALHOUSIE had, as we have seen, determined upon dispatching an armament to the coast of Burmah, and had written his long "Minute," containing the reasons for the course he was about to take.

His Lordship's reply to the King of Ava's communication contains merely a repetition of the arguments in the "Minute;"—there is, again, the same uncandid evasion of the real question at issue, the seizure of the King's ship,—and once more we have a lengthened dissertation upon the breach of etiquette on the occasion of the visit of the deputation to the Governor's palace. Upon this latter point the Governor-General is really unfashionable; for he denies to the Governor of Rangoon the privilege which every body in "good society" in London, if not in Calcutta, exercises every day. To be able to answer "not at home" with a good grace is one of the qualifications for the hall-porter of a lady patroness of Almack's; but who ever heard of such an answer being made a *casus belli* between Carlton Terrace and Belgrave Square, or even the ground for an exchange of "Minutes," or any thing more warlike than a few visiting cards? The Governor-General has admitted that the informal visit attempted by the officers composing the deputation might have given a plausible pretext to the Governor of Rangoon for declining to receive them,‡ but he complains of the mode in which it was done. Now I humbly submit that no course less insulting could possibly have been adopted. Mr. CRAWFURD, in the interesting account of his mission to Ava, informs us, that owing to the great heat of the

\* P. 69

† P. 70.

‡ P. 65.

weather, all classes in Burmah, from the King to the meanest peasant, suspend their labours and seek repose in the middle of the day. To call upon a person of rank at noon on business, without a previous arrangement, is as much an act of *mauvais ton* as if a Burmese deputation (and I think they would do wisely to send one) were to come to England to see the President of the Board of Control, and insist on an interview at nine o'clock in the evening, when he was at dinner. In such a case he would be "not at home." Whether the answer were "not at home," or "asleep," it would be deprived of all offensiveness if it were in harmony with the custom of the country. In making use of the excuse which the hour of the day afforded him, the Governor of Rangoon shewed a well-bred desire to avoid offering an affront to his ill-timed visitors.

One feels painfully affected, almost to humiliation, at reading page after page of such disquisitions as the following, from the pen of a Governor-General of India, in State papers, upon every sentence of which hangs the solemn question of peace or war:—

"When Commodore LAMBERT," says Lord DALHOUSIE to the King of Ava, "on the arrival of the new Governor, proposed to renew negotiations relative to the merchants who had been oppressed, the Governor intimated his readiness to receive, at any time, a communication from Commodore LAMBERT upon the subject. On the following day, a letter written on behalf of the British Government, was addressed by the Commodore to the Governor of Rangoon. Although the present Governor and his predecessor had not observed the respect which was due, nor the custom of their own country, and had sent their letters by the hands of men of no rank or consideration whatever, yet these persons were not rejected by the Commodore. And when he dispatched his letter to the Governor of Rangoon, it was sent, not by the hands of any such inconsiderable persons, but by the officer next in rank to himself, accompanied by officers of the army and of the fleet.

"Yet the Governor of Rangoon presumed to refuse all admittance to these officers, bearing a letter to him on the part of the British Government.

"He not only presumed to refuse to them admittance, but he offered to them insult and indignity. The Deputy Governor did not approach them, as your servants have falsely reported to your Majesty. No officer was deputed to them. They were approached only by the lowest; they were compelled to remain beyond the door; and were publicly subjected to disrespect and insolence, such as would have been

regarded as ignominious by the meanest subordinate in your servant's Durbar."\*

The answer to this is, that the Governor's visitors were informed by his servants that he was "asleep," which, between gentlemen in Burmah, was sufficient to avoid unpleasant consequences; and between men of sense and of masculine characters, whether Burmese or British, who did not want to quarrel, it might have sufficed as an excuse for both parties to keep the peace.

The letter of the Governor-General, after announcing to His Majesty the formidable preparations that were going on, to "enforce his rights and vindicate his power,"—preparations which, he added, would not be suspended in consequence of the receipt of the King's letter, concludes with the following ultimatum :—

"1. Your Majesty, disavowing the acts of the present Governor of Rangoon, shall, by the hands of your Ministers, express regret that Captain FISHBOURN, and the British officers who accompanied him, were exposed to insult at the hand of your servants at Rangoon, on the 6th of January last.

"2. In satisfaction of the claims of the two captains who suffered exactions from the late Governor of Rangoon; in compensation for the loss of property which British merchants may have suffered in the burning of that city by the acts of the present Governor; and in consideration of the expenses of preparation for war, your Majesty will agree to pay, and will pay at once, ten lacs of rupees (one hundred thousand pounds) to the Government of India.

"3. Your Majesty will direct that an accredited Agent, to be appointed in conformity with the VIIth Article of the Treaty of Yandaboo, and to reside at Rangoon, shall be received by your Majesty's servants there; and shall, at all times, be treated with the respect due to the Representative of the British Government.

"4. Your Majesty will direct the removal of the present Governor of Rangoon, whose conduct renders it impossible that the Government of India should consent to any official intercourse with him.

"If, *without further delay, negotiation, or correspondence*, these conditions shall be consented to, and shall be fulfilled on, or before, the 1st day of April next, hostile operations shall be stayed, peace between the States shall be renewed, and the King's ship shall be restored.

"But if—untaught by former experience; forgetful of the irresistible power of the British arms in India; and heedless of the many additional proofs that have been given of its might, in the successful fall of the powerful Sovereigns of Bhurtpore, of Scinde, of the Sikhs, and of

many other Princes, since last the Burman Rulers vainly attempted to resist the British troops in war—the King of Ava shall unwisely refuse the *just and lenient conditions* which are now set before him, the British Government will have no alternative but immediate war.

“The guilt and the consequences of war will rest upon the head of the Ruler of Ava.”

Let it be borne in mind that up to this moment the King had been charged with no unfriendly act towards the British Government. His former letter, and the disgrace of the Governor of Rangoon, inflicted at our instance, had elicited the approbation of the Government of India, and of the British Ministry. Nay, in the very letter before us, the following tribute is paid to the “justice and sagacity” of the King :—

“The reply which your Majesty addressed to the letter from the Government of India was, in all respects, worthy of a just and sagacious Ruler. It admitted the justice of the claims which had been advanced, directed the removal of the Governor of Rangoon, and promised redress by the hands of a new Governor fully armed with powers to afford it.

“That redress has not been granted by your Majesty’s servant at Rangoon ; on the contrary, gross and repeated insults have since been offered by him to the British Government, in the person of its officers, and every amende has been evaded or refused.”\*

Let it also be borne in mind that in retaliation for the insult alleged to have been offered by His Majesty’s servant at Rangoon, we had already carried off the royal ship, and that the above ultimatum was the reply to an inquiry from the King, as to the authority of Commodore LAMBERT, to commit that act of violence, but to which inquiry no answer was given :—bearing all this in mind, there could be but one result expected or intended from this high-handed appeal to force against the claims of reason and justice. The Governor-General’s ultimatum was forwarded to Colonel BOGLE at Moulmein ; the same “Tseetkays” crossed over from Martaban to receive the despatch ; they “appeared to be much grieved”† at its purport ; it was at once forwarded to the capital, but no answer was returned.

It is no part of my plan to give any account of the war which

\* P. 74.

† P. 80.



followed ; respecting which some particulars will be found in the " Further papers relating to hostilities with Burmah," presented to Parliament during the present session. A war it can hardly be called, a rout, a massacre, or a visitation, would be a more appropriate term. A fleet of war-steamers and other vessels took up their position in the river, and on the 11th April, 1852, *being Easter Sunday*, they commenced operations by bombarding both the Rangoon and Dallah shores. Everything yielded like toy-work beneath the terrible broadsides of our ships. The Burmese had about as fair a chance of success in contending against our steamers, rockets, detonating shells, and heavy ordnance, of which they were destitute, as one of their Pegue ponies would have had in running a race with a locomotive. Whole armies were put to the rout, with scarcely the loss of a man on our side ; and fortified places, when scaled by a few sailors or marines, were found entirely abandoned. There is neither honour nor glory to be gained, when a highly civilized nation arrays the powers of mechanical and chemical science against a comparatively feeble, because ignorant and barbarous people. There is small room for the display of courage where there is little risk ; and even muscular force has not much to do with a combat, the result of which depends almost entirely on the labours and discoveries of the workshop and laboratory. There is no doubt then as to the result of the Burmese war. Our troops may suffer from the climate, the water, or provisions ; but the enemy has no power to prevent their subduing and annexing the whole or any part of the country. *But success however complete will not obliterate one fact respecting the origin of the war.*

God can alone know the motives of man. But looking back upon the acts of Commodore LAMBERT, I must say that had his object in visiting Rangoon been to provoke hostilities, his conduct, in first precipitating a quarrel, and then committing an act of violence certain to lead to a deadly collision, could not have been more ingeniously framed to promote that object.

It has been urged in vindication of Lord DALHOUSIE'S part in these proceedings, that owing to the anomalous relations which exist between the Royal Navy and the Government of India, he

had no power to compel Commodore LAMBERT to obey his orders.\* This is true, and is illustrative of the absurdity of the double government of India. But this should have induced Lord DALHOUSIE in the first place to have selected another envoy. India has a navy of its own. But where was the necessity for sending a squadron at all, until after a demand for redress had been made through a civilian, or at least a Company's officer, who, like Colonel BOGLE, understood the customs of the country; and the more especially so, as it was the first complaint that had been officially presented to the Government of Burmah? Besides, it was in the power of his lordship, after the first proofs of Commodore LAMBERT's rashness, to have withdrawn the instructions with which he sailed from Calcutta. Instead of which, not content with silently acquiescing in the proceedings of the Commodore, he adopted and justified his acts, with the full knowledge that he thereby shared his responsibility.

But there are other and very serious aspects to this business. Commodore LAMBERT, whilst owning no allegiance to the Government of India, made war upon the Burmese with the Queen's ships, without having had any orders from the British Admiralty to enter upon hostilities—and the question naturally arises, to what superior authority was he responsible for the discreet fulfilment of the task he had undertaken? Why, in a strictly professional sense, to nobody. Acting under no instructions from the Admiralty, and standing towards the Government of India "in the position of the commander of an allied force,"† he was virtually irresponsible for the proper performance of the special duty which he had volunteered upon. It must be admitted that a state of things more ingeniously contrived to enable us to involve ourselves in wars, without the unpleasantness of feeling accountable for the consequences, could hardly be imagined.

But the "anomaly" does not end here. The most important point remains to be noticed. These wars, got up by a Queen's

\* This subject was referred to in the House of Lords, and the "anomaly" pointed out by Lords ELLENBOROUGH and BROUGHTON, the latter of whom stated, that before leaving the Board of Control, he had received a letter from Lord DALHOUSIE, expressing a hope that it would be remedied under the new Charter Act.—(See *Hansard*, March 25th, 1852.)

† Lord ELLENBOROUGH, House of Lords, 25th March, 1852.

officer in the teeth of instructions to the contrary from the Governor-General of India, whose orders he is no more bound to obey than those of the Emperor of China, *are carried on at the expense of the people of India*. Hence the difficulty of rousing the attention of the English public to the subject. We have an army of twenty thousand men now in Burmah, who have seized a territory as large as England, and their proceedings have attracted less notice from the press and public of this kingdom than has the entry of a few thousand Russian troops into the, to us, far more inaccessible Danubian Provinces. And the reason is obvious. The *bill* for the payment of the cost of the Burmese war is presented not to us, but to the unhappy ryots of Hindostan. To aggravate this injustice in the present case, it must be remembered that the war originated in a dispute between the Governor of Rangoon and the captains of a couple of English merchant ships. What exclusive interest had the half-naked peasant of Bengal in the settlement of the claims of Captains SHEPPARD and LEWIS, that he should alone be made to bear the expense of the war which grew out of them? And not merely the cost of the war, heavy as it will be, but the far more serious burden to be entailed upon our older possessions in India, from the permanent occupation or annexation of the whole or a large part of the Burmese empire. To the latter evil, growing out of our insatiable love of territorial aggrandisement, we shall probably be wilfully blind, until awakened from a great national illusion by some rude shock to the fabric of our Indian finance.

It is now placed beyond a doubt, for we have it on the evidence of the East India Company themselves, that our recent acquisitions of territory in the East have been unproductive. Scinde, Sattara, and the Punjaub, which have been annexed at the cost of so many crimes, are one and all entailing a charge upon the Indian revenue. Yet these countries are, as it were, within the basin of Hindostan, and lie contiguous to our possessions. But Burmah is no *part* of Hindostan. The people are semi-Chinese; and as a proof how little intercourse we have had with them, it may be mentioned, that when Lord DALHOUSIE wished to print some proclamations to be distributed in Pegu, it was found that there was no press in Calcutta where the Burmese character could be printed.

The distance from Calcutta to Rangoon by sea is as great as from London to Hamburgh; and it must be borne in mind that troops in Burmah will be entitled to extra pay for being stationed "beyond sea," which will add much to the expense of its occupation.

But I need not press this view of the subject; for it is avowed on all hands that the acquisition of territory in Burmah is not desirable: and Lord DALHOUSIE recorded in express terms, at the outset of the contest, his opinion, that "conquest in Burmah would be a calamity second only to the calamity of war."\* And when contemplating the possibility of being obliged to extend his military occupation even to the capital, he says, that, in such a contingency, "the Government of India can no longer regard its financial position with the confidence it is now warranted in entertaining," and that instead of surplus revenue, we must in that case expect to hear of "exhausted cash balances, and re-opened loans."†

Yet it is not a little perplexing to find in the teeth of all these solemn disavowals of a desire for seizing more territory, that the Governor-General's policy aims directly at the annexation of Pegu, and will admit of no other terms; and if "a real necessity for advance" should arise, then, in spite of its ruinous consequences, "let us," says his Lordship, "fulfil our destiny, which there, as elsewhere, will have compelled us forward in spite of our wishes:"‡ or, in plain English, let us take the whole of Burmah, even if it should prove ruinous to our finances, because it is our destiny.

Now, if we are to have credit for the sincerity of all this, what will be said of its statesmanship? I put aside the pretence of "destiny," which is not to be tolerated as a plea amongst Christians, however valid it may be in Mahometan casuistry. But where lies the necessity for annexing any part of Burmah, if it be not our interest to do so? I find but one argument put forth, but it is repeated in a variety of forms:—we are told, that if we do not seize a portion of the enemy's territory we shall be disparaged in his eyes. In other words, unless the Government of India, with three hundred thousand troops, and backed by the whole power of the British empire, pursue a policy

\* Further papers, p. 44. † Ibid, p. 87. ‡ P. 93, Further papers.

injurious to its own interests, it will suffer in the estimation of the Burmese, who, we are told, have in the present war "betrayed a total want of enterprise, courage, power, and resource; large bodies of them retiring at the mere sight of a steamer, or in the presence of a few Europeans as soon as they are landed."\* Admitting, I repeat, the sincerity of this argument, what shall we say of the policy which it seeks to justify? Lord DALHOUSIE begins with a claim on the Burmese for less than a thousand pounds; which is followed by the additional demand of an apology from the Governor of Rangoon for the insult offered to our officers; next, his terms are raised to one hundred thousand pounds, and an apology from the king's ministers; then follows the invasion of the Burmese territory; when, suddenly, all demands for pecuniary compensation and apologies cease, and his Lordship is willing to accept the cession of Pegue as a "compensation" and "reparation" for the past, whilst at the same time he pens long minutes to prove how calamitous it will be to us to annex that province to our Indian empire! Conceding, I say, the *bond fides* of all this—ought not we to advertise in the *Times*, for a Governor-General of India who can collect a debt of a thousand pounds, without annexing a territory which will be ruinous to our finances?

But the fact is, and the sooner we all know it the better, nobody gives us credit for sincerity when we protest our reluctance to acquire more territory, whilst our actions are thus falsifying all our professions.† Nor, speaking nationally, are we entitled to such credit.

\* P. 65.

† That the reader may see how a policy which we declare to be unprofitable to ourselves, in a pecuniary sense, weakens our moral influence in the eyes of other nations, I give the following extract from a speech, delivered by General Cass in the Senate of the United States, December, 1852.

"Another of the native Powers of Hindostan has fallen before the march of a great commercial corporation, and its 8,000,000 or 10,000,000 of people have gone to swell the immense congregation of British subjects in India. And what do you think was the cause of the war which has just ended in the swallowing up of the kingdom of Burmah? The whole history of human contests, since the dispersing of the family of man upon the plains of Shinar, exhibits no such national provocation, followed by such national punishment. Political arithmetic contains no such sum as that which drove England to this unwelcome measure. Had we not the most irrefragable evidence, we might well refuse credence to this story of real rapacity. But the fact is

Public opinion in this country has not hitherto been opposed to an extension of our dominion in the East. On the contrary, it is believed to be profitable to the nation, and all classes are ready to hail with approbation every fresh acquisition of territory, and to reward those conquerors who bring us home title-deeds, no matter I fear, how obtained, to new Colonial possessions. So long as they are believed to be profitable, this spirit will prevail.

But it is not consistent with the supremacy of that moral law, which mysteriously sways the fate of empires, as well as of individuals, that deeds of violence, fraud and injustice, should be committed with permanent profit and advantage. If wrongs are perpetrated in the name, and by the authority of this great country, by its proconsuls or naval commanders in distant quarters of the globe, it is not by throwing the flimsy veil of a "double government" over such transactions, that we shall ultimately escape the penalty attaching to deeds for which we are really responsible. How, or when, the retribution will react upon us, I presume not to say. The rapine in Mexico and Peru was retaliated upon Spain, in the ruin of her finances. In France, the *razzias* of Algeria were repaid by her own troops, in the massacres of the Boulevards, and the savage combats in the streets of Paris. Let us hope that the national conscience, which has before averted from England, by timely atonement and reparation, the punishment due for imperial crimes, will be roused ere it be too late from its lethargy, and put an end to the deeds of violence and injustice which have marked every step of our progress in India.

indisputable, that England went to war with Burmah, and annihilated its political existence, for the non-payment of a disputed demand of £990. So says the *London Times*, the authoritative expositor of the opinions and policy of England. 'To appreciate,' says that impersonation of British feeling, 'correctly the character of this compulsory bargain, the reader must recollect that the sum originally demanded of the Burmese for the indemnification of our injured merchants was £990., and Lord DALHOUSIE's terms, even when the guns of our steamers were pointed against Rangoon, comprehended, in consideration of the expenses of the expedition and of compensation for property, a claim only of £100,000.' *Well does it become such a people to preach homilies to other nations upon disinterestedness and moderation."*

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HAS  
O U D E  
BEEN  
WORSE GOVERNED BY ITS NATIVE PRINCES  
THAN  
OUR INDIAN TERRITORIES BY LEADENHALL  
STREET ?

By MALCOLM LEWIN, Esq.

LATE SECOND JUDGE OF THE SUDDR COURT OF MADRAS.

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“ The moderation of England is not unlike the ambition of other Nations.”  
DUKE OF WELLINGTON.

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THIS inquiry addressed to OUDÉ, as the last of our Indian annexations, discloses but little to distinguish it from other annexations, except in the magnitude of the gain, and the amount of the hypocrisy employed to cover the spoliation. Whether considered as a measure of political expediency or as one founded on the *holy* object of interference for the benefit of the people, in either case a justification will be sought in vain. On examining the grounds on which we have deprived the ancient sovereigns of India of their thrones and territory, we find the motive in all cases the same. Lust of revenue and extension of empire, are the only influences visible in our proceedings.

My purpose on this occasion is to compare the condition of OUDÉ in its police and revenue administration with that of the territories under the sway of Leadenhall Street, and to point to the grounds on which the East India Company attempt to justify the seizure—leaving it to the

more curious to satisfy themselves as to the results of our alliance with other native states, such as Mysoor, Hyderabad, Nagpoor, Surat, Sattarah, &c., and then to inquire whether the territories of Oude at the present time present a worse political condition than our own. Lord Dalhousie describes the kingdom of Oude, as "one of the most fertile regions of the globe;" on another occasion he speaks of it as "well cultivated, and its soil richer than any I have seen in any of our own districts." General Low, a late British resident at the Court of Oude, speaks of "the immense profit that will be acquired from the possession of the Oude territories." Mill, in his history of India, states that "the revenue of Oude before its connection with the English, exceeded three millions sterling, that subsequently it did not exceed half that sum, and in subsequent years fell far below it."

Whether the value of Oude was the motive of the spoliation or otherwise, its wealth was an object of sufficient importance to stimulate the ambition of a Governor-General of the present day, as it did the cupidity of a more celebrated Viceroy, about a century ago. When contrasting the past with the present treatment of Oude by the Indian Government, General Low observes, "For my own part although our earlier connection with Oude affairs in the unreformed times of Warren Hastings, suggests more than

“ one salient point for an Englishman to grieve  
 “ over, I believe that our later Protectorate has  
 “ been still more culpable.”

The revenues of OUDĒ, from the earliest period of our alliance with it, have been the milch-cow of our Indian Empire. A threat to take possession of the country has always been found capable of extorting the sums required for the exigencies of the Indian Government, whether for war or for patronage. Our exactions have exhausted its resources, our subsidiary forces have maintained the king in his misrule against his own subjects, and turning his army into a *sans culotte* rabble; have brought the finest district in the world into a state of poverty and depression, only to be amended by casting off a parasitical protection, as fatal to the country as it has been to our own national character.

A late Governor-General, Lord William Bentinck, speaking of the loans received from the King of OUDĒ, calls them “ unwilling contributions extorted by fear of our power.” Of our subsidiary forces, the Governor-General, Lord Dalhousie, remarks,—“ were it not for the constant presence of British troops at Lucknow, the people of OUDĒ “ would speedily work their own deliverance, and “ would impose on their ruler that effectual check of general revolt by which Eastern rulers are “ best controlled.” It is not necessary to multiply authorities in proof of the value acquired by the

seizure of OUDE,—as well might the value of a purse of gold be made a question by a robber ; the difference between the two is that the acquisition of the gold, though unlawful, is not associated with the hypocritical pretence of conferring benefits,—in this respect the robber takes higher ground than the Indian Viceroy,—he has but one crime to atone for.

Our views of humanity towards the Natives of India seldom find expression ; but when there is something to be gained by them, we then assume the character of the *qui tām* informer, who pleads for the interests of others, while intent only on securing his own.

The alliance of the British Government with OUDE, dates so far back as a century ago. OUDE has ever since had a subsidiary force, officered by Englishmen, and a British Minister has resided at the Court of the Sovereign, who, “ by treaty, was “ bound to govern according to his advice.” The police and revenue administration of the country has, for the most part, been conducted by officers chosen by the Indian Government from the civil and military services of the East India Company, and the country has practically been under our own management ; so that if its condition be such as to furnish a plea for its seizure, the blame belongs to the Indian Government and its agents, and to them alone.

Of the results of our connection with OUDE, the

Court of Directors observe in their dispatch to the Government of India, dated 1st October, 1828, “ Had it not been for our connection with Oude, “ although misrule might have attained as great a “ height, it would not have been of equal duration. “ It is the British Government that, by a systematic “ suppression of all attempts at resistance, has “ prolonged, to the present time, a state of dis- “ organisation, which can nowhere attain per- “ manence, except where the shortsightedness and “ rapacity of a semi-barbarous government is “ armed with the military strength of a civilised “ one.” Lord William Bentinck ascribed the misrule of Oude “ to the system under which there “ is a pageant king, and a British resident clothed “ with a degree of state equal to that of royalty “ itself, acting the part rather of a schoolmaster “ and dictator than of the minister of a friendly “ power, exercising a jurisdiction totally incom- “ patible with the royal dignity and authority. He “ thought it would be more for the comfort of the “ Sovereign, for the advantage of good government, “ and for the interests of both, that the Sovereign “ should be relieved from this more than king.” Is it surprising that a country under such conditions should be mis-governed? that its king, instead of being the energetic ruler of his people, should cast off a governing power which he could not exercise without bringing himself into collision with the Viceroy appointed by the Governor-

General to rule over him? That, failing in the real attributes of kingly power, and surrounded by temptation, he should devote himself to other and less dignified pursuits?

Warren Hastings, speaking of our conduct in Oude, remarks, “the numbers, influence, and  
 “enormous amount of the salaries, pensions, and  
 “emoluments of the Company’s service, civil and  
 “military, in the Vizier’s service, have become  
 “an intolerable burthen upon the revenue and  
 “authority of his Excellency, and exposed us to  
 “the envy and resentment of the whole country,,  
 “by excluding the native servants and adherents  
 “of the Vizier from the rewards of their services  
 “and attachment.” One object has guided the Indian Government in its alliance with the native states of India, holding that steadily in view, each state has gradually declined, each has sooner or later furnished a pretext for its own extinction. Few native states have escaped our grasp, and these few are marked out for destruction. Experience abundantly proves that the best ordered are insecure, where anything is to be gained by taking possession of them.

It is remarkable that whenever the Indian treasury has been low, the wrongs of Oude have been more prominent than at other times, we have then put forth our pious aspirations for the welfare of the people—it was the piety of the highwayman, which commencing with “Your money or your

“ life,” ceased as soon as the demand was satisfied—the people whose name was invoked for the occasion were then left to their fate. Lord Hastings, when Governor-General, adverting to the low ebb of the Indian treasury, during the Mahrattah war, says, “ The treasuries of the three presidencies “ were in so unfurnished a condition, that the “ sufficiency of funds in them to meet any unusual charges, and many menaced us, excited “ considerable uneasiness. At that period the “ low credit of the bonds which had at different “ times been issued, as the securities for monies “ borrowed, made eventual recurrence to a loan “ seriously discouraging in contemplation. Luckily “ I was on such frank terms with the Nabob, as “ that I could frankly explain to him my circumstances, so that the Honourable Company was “ accommodated with above two and a half millions sterling, on my simple receipt.”

The circumstance we are here called upon to remark is that while we were incessantly reproaching the Nawaub with his lavish expenditure in luxury, “ with the effects of an expensive “ government, the oppression and misery of his “ people,” complaining of the wretched condition of his unpaid army, and threatening him with the loss of his kingdom, we should not have scrupled so late as the year 1842 to borrow large sums of money from him. In a letter dated 21st January, 1842, the British resident, Colonel Low, states,



“adverting to the exaggerated rumours of our  
 “reverses in Affghanistan, and of their supposed  
 “effects, such rumours rendering it desirable to  
 “shew to the native community, that the confi-  
 “dence of the OUDÉ government in our stability  
 “remains unabated, I thought it desirable to  
 “make use of my personal influence with the  
 “King of OUDÉ to induce him to lend a consider-  
 “able sum of money to the Government of India.  
 “I explained to his Majesty, and stated to him  
 “frankly, that there was a temporary difficulty in  
 “procuring supplies, and I said he could not in  
 “any way evince his good will and gratitude to  
 “the British Government more appropriately than  
 “by subscribing largely to the loan now open.  
 “Nothing could be more satisfactory than the  
 “way in which the king received this intimation  
 “of my wishes. He declared in an earnest and  
 “cordial manner, that it gave him great pleasure  
 “to carry my wishes into effect, and that he was  
 “at all times ready to do so, that he would wil-  
 “lingly subscribe all the money he could possibly  
 “spare, without the least delay; adding, that in  
 “two or three days he would send to my treasury  
 “at least ten lacs of rupees, which sum was some  
 “days after made up to fourteen lacs.” The total  
 sum lent by the Nawaub to the British Govern-  
 ment in 1842, to relieve it from the pressure of  
 the Affghan war, was forty-six lacs of rupees.

Our alliance with the Princes of OUDÉ has for a

series of years been little more than a series of extortion; when weak we have soothed them, when power was in our hands we have threatened, keeping always in view the fate of the victim, until circumstances should concur to favour the opportunity. This opportunity did at length arrive, that too within a few years of the loan just referred to. Lord Dalhousie, writing on the 21st November, 1854, says: “ The occurrence of successive wars and an un-  
 “ feigned reluctance to have recourse to extreme  
 “ measures, have concurred to induce the Govern-  
 “ ment of India to take no action on the warning  
 “ given to the King seven years ago. I would  
 “ now instruct the resident Colonel Outram to  
 “ apply himself on his arrival at Lucknow, to an  
 “ inquiry into the present state of the country.” The pear was now ripe; India was quiet—there was no Mahratta confederacy—no Affghan war—no Seikh war to oppose our plucking it. We had no longer an object to serve by conciliation—we could count upon our power—the victim was within our grasp. We had hitherto been satisfied with the goose’s egg, the time was come to seize the goose itself. Setting out with a foregone conclusion, a report was called for to justify it. In reply to the requisition Colonel Outram informed the Governor-General,—“ I am of course entirely  
 “ dependent for any information, on what I find in  
 “ the Residency Records.” It was impossible the Resident should furnish any thing in justification of

the measure, that was not already in the hands of the Governor-General; the inquiry ordered was a mere mockery, an attempt to cover a deliberate act of spoliation, and to throw the onus of it on a man of character who, newly appointed to the office, was without the means of judging where he was called upon to decide the fate of a kingdom.

The historian Mill informs us, that during many years "unjustifiable extortions, to the extent of " thirty-four lacs per annum, had been practised " on that independent Prince." Bishop Heber says, "The King lent the British Government all " that would have enabled him to ease the people " of their burdens;" referring to another loan he remarks—"Of the two millions which his father " had left, the King had lent one to Lord Hastings " to carry on the Nepaul war. For this he was to " receive interest, but unfortunately for him he " accepted instead of all payment a grant of fresh " territory under the Himalaya mountains, which " is unproductive, being either a savage wilderness " or occupied by a race of mountaineers, who pay " no taxes without being compelled to do so, and " he had not the means of compelling them." It would seem a strange policy to make over to the King of Oude the distant territory of another, while we were ever reproaching him with being unable to manage his own.

With the constantly recurring demands of the Indian Government on the Oude treasury, it is

not surprising that the revenues of the country should be found insufficient to meet the ordinary charges of Government—that the King should be unable to defray the expenses of his army—that under the confused and vacillating system of internal administration established by us, crimes should go unpunished and unrepressed—and lastly, that those results should display themselves which naturally arose out of the vicious system we had devised and forced upon the King, as the certain means of his destruction. It still remains to be seen whether Oude was worse governed by the Nawaub than our own territories by Leadenhall Street.

Had the misrule of Oude produced the fruits ascribed to it, we should hear of the emigration of the inhabitants, which is expressly denied—we should hear of robberies and murder, of torture, and other crimes transcending the number to be met with in other parts of India. So far from this being the case, we find the magistrates of Jounpore and Gorukpore, Major Troup, commanding the 2nd regiment of Oude Light Infantry, Captain Bunbury and others, bearing favourable testimony to the state of the police of Oude. In his minute of the 15th August, 1855, General Low states, “ In all those measures which relate exclusively to the interest of the paramount state, such as searching for and giving up criminals, who have escaped into Oude, from our provinces, supplying

“ our troops when marching through Oude, pro-  
 “ tecting our mails, &c., the Government of Oude  
 “ has always been and is up to this day unusually  
 “ attentive and efficient. I can further truly re-  
 “ mark that the Kings of Oude have co-operated  
 “ most actively and efficiently with us in capturing  
 “ Thugs and Dacoits. I may as well here mention  
 “ the fact that during the Nepaul war, the King  
 “ of Oude lent us free of all cost 300 elephants;  
 “ the aid thus obtained, for conveying our artillery,  
 “ ammunition, and tents, &c., in our mountain  
 “ warfare, was of immense value to us, and of a  
 “ kind which it was totally out of our power to  
 “ obtain in any other manner, or from any other  
 “ quarter.” The wonder is that General Low  
 should have consented to the destruction of such  
 an ally, that in common with the seventeen direc-  
 tors who protested against the seizure of Sattarah,  
 he should not have thrown his shield over the  
 man, who alone of all the princes of India had  
 stood by us in times of peril—that under the  
 treaty of 1837, made with the King, he should  
 not have preferred to see his country put into com-  
 mission. But this would have interfered with the  
 plan of immediate annexation; the treaty was  
 therefore annulled, a fact of which the King was  
 not apprized until the day had arrived when it  
 should be made known to him that his kingdom  
 had departed from him. The Government of India  
 is despotic, and it was perhaps a safer card for

Leadenhall Street, to yield to the ambition of an all-powerful Governor-General, than to stand in the way of the openly-avowed policy of his administration.

Amidst the many vices imputed to the OUDE Government, we find no testimony that in the collection of its revenues and in the detection of crime torture was systematic and habitual; nor is there anything in proof that a greater amount of crime is to be found in OUDE than in the East India Company's territories; nor is it alleged that more crimes pass undetected and unpunished. In the eloquent, if not very judicious, speech lately addressed to the Students of Hayleybury, by the Chairman of the East India Company, Colonel Sykes, confines the blame of the practice of torture in Madras to the Native officials, and assumes it to have existed unknown to their European superiors, this too in the teeth of the testimony borne by the European Civil Service, who, when called upon, avowed their knowledge of the practice, many of them declaring it a necessary means of revenue and successful judicial inquiry. It may be regretted that Colonel Sykes, who had done so much for the natives of India in his judicial statistics, was unmindful of the proverb,—“*quod factu fœdum est, idem est et dictu turpe*,” and that he should have needlessly introduced to public notice a subject as odious to English ears as it is discreditable to his own body. The administration of justice is

nowhere alleged to be worse in Oude than it is shewn by Mr. Haliday, the Deputy-Governor of Bengal, in his recent minute, to be within our own districts, and it would not be possible, in the most barbarous country in the world, to discover anything more atrocious as a system than is laid open in the recent Report of the Commissioners, appointed by order of Parliament, to inquire into the practice of torture in the territories of Madras. Mr. Haliday shews that in our own districts of Bengal, the administration of justice is a mere farce and delusion. He says,—“ The village police are in a permanent  
 “ state of starvation ; they are all thieves and  
 “ robbers of necessity, or leagued with thieves and  
 “ robbers, in so much that, when any one is robbed  
 “ in a village, it is most probable that the first  
 “ one suspected will be the village watchman ; ”  
 in another place he remarks,—“ Our criminal  
 “ judicature does not command the confidence of  
 “ the people,—the administration of justice is  
 “ considered little better than a lottery.” The Madras Commissioners shew that the police and robbers of the country make common cause, that neither life nor property are secure, that torture is part of the system of Government, known and acknowledged as a necessary engine in revenue and police operations, and as regular and habitual in the public service, as any other part of its duties.

If for permitting a condition of things less

vicious than this under his government, if for carrying out a system of administration untainted by such atrocities, the Nawaub of Oude is deprived of his country, how much more is that penalty called for in the case of the Directors of the East India Company, who though appealed to and warned to set their house in order, turned a deaf ear to all remonstrance, and neglected to repair the most flagrant evils of their administration. The existence of systematic torture by their servants, and the corrupt state of their police, were brought to their notice by their provincial judges, in their Circuit Reports, and especially in a Report of the second Judge of the Centre Division, dated the 28th of September, 1840. The means of amendment were then pointed out, and fifteen years after were adopted without acknowledgment. The dispatch of the Court of Directors to the Madras Government, dated the 12th September, 1855, is the mere echo of the Report of their Circuit Judge, dated 28th September, 1840. The remedies suggested were left untried at the time, and would have been left unnoticed to the present day, but for the demands of Parliament, who forced the exposure on the Directors of the Company. With unlimited means of good government in their hands,—with means unfettered for enlarging the resources of the country, and adding to its wealth,—what measure of improvement is traceable to them? What have they done in arts, in science, in com-



merce? What in education? Have they not set their faces against all change, whether it denoted improvement or otherwise?

It is sufficient that it was change to assure their condemnation; few have ventured to expose the vices of their administration, as few to suggest remedies. The Report of 1840, already referred to, would have been deemed a hopeless and profitless task by its author, had there not been a Sullivan and Elphinstone at the seat of Government to assure it a liberal reception.

Although the spoliation of Oude has little more importance, abstractedly, than a similar act of injustice towards any other native prince, as the last act against a native state of magnitude and influence, it carries with it a peculiar interest, now that the course of Russia is towards the East. Though we may have little cause to fear the result of Russia's efforts, on the stability of our Indian Empire, we shall never secure the fruits of peace so long as our policy alienates the affections of the people, and makes them ever ready to open their arms to the invader. Our Indian Empire has not a friend left among the native princes once in alliance with it,—discontent is rife everywhere,—princes, nobles, and people, would, one and all, hail the advent of Russia, or of any other powerful state, as a saviour. With such thoughts uppermost in the minds of the people, it is as impossible that the country should ever be free from agitation

and war's alarms, as that there should be a sense of security compatible with improvement. We may be able to repel the invader, but the measures necessary for the purpose might be of a magnitude sufficient to exhaust our revenues.

The genius of our rule in India has been ably and aptly described in the letter of a native gentleman, recently addressed to me from Madras. He remarks, "It is right that I should refer to the general feelings of the natives, in consequence of the late supersessions regarding the adoption of heirs, and the dispossessing of the Zemindars, whose property is immediately bought up by the Government, by a mere nominal payment, which bad feeling will certainly be increased, if the succession to the Nawaubship of the Carnatic is set aside, in defiance of the many treaties with the Company, guaranteeing its continuance in the family of the present claimant. The kingdom of Tanjore has just been seized in consequence of the death of the Rajah, about twenty-two days after that of the Nawaub. Oude, Hyderabad, and Travancore are threatened with the earliest convenient absorption, and the princes and nobility of the country are in a fair way of general extinction, till India will have no more than two classes,—the English Government and the ryots." These sentiments pervade all India under British rule. The lands alluded to were sold for arrears of

revenue. Since the dispossession of the Zemindars, measures have been taken at the instance of the Home Authorities to reduce the land assessment to the extent of thirty per cent. The necessity of lowering the assessment had been often pointed out, but an arrear of revenue was the only legal means of depriving the Zemindar of his estate.

If it were possible to hold India against the good will of the people, to make permanent an empire whose foundation was the degradation of all classes of the inhabitants, then might our rule in India be secure. We have degraded the princes and nobles of the country, we have denied to the people rights and privileges which have been accorded by every conqueror in every part of the globe. It remains to be seen whether an ever-changing small body of Englishmen, scattered over the country with religious views and social habits in antagonism with the people, is capable of gaining a hold on their affections and of filling the vacuum created by the extinction of their natural superiors—the lords of the soil.

In spite of the systematic efforts of Leadenhall Street, to check the spread of knowledge in India, the distinction between a conquest made by Russia and a conquest made by England is not unknown, and were the opportunity to present itself, the people would not shew themselves unmindful of it. The "*divide et impera*" principle which raised our empire can no longer serve us ; in place of it we

have a bond of union, cemented by a common interest in our destruction. Every native prince has been weighed in the balance, and is well aware that sooner or later the lot will be drawn "*serius ocius sors exitura*," which humbles him before his people, and forces him, as an outcast, from the inheritance of his ancestors.

Malte Brun, speaking of the conduct of Russia to her conquered subjects, remarks, "Le Gouvernement Russe respecte avec une politique éclairée, tous les droits acquis, tous les privilèges, de provinces, de villes, de classes. Les seuls changements que les peuples conquis éprouvent sont favorables à la liberté personnelle, industrielle, et religieuse." The converse proposition describes the genius of Leadenhall Street. Unlike Russia in her conquests, the Government of Leadenhall Street has ever been opposed to colonization. Grasping everything for itself, it has excluded British labour and capital from India, the one lest it should bring our countrymen into intercourse with the inhabitants, the other lest it should open out a field of commerce to the world.

Leaving to the natives nothing of the fruit but the husk, it has shut them out from all but the lowest offices in the state, and declaring the habits of the people, fixed and immutable, has opposed itself to education, rightly judging that an empire such as theirs could only subsist on ignorance. As the result of an administration two hundred years

old, we have the mass of the people in abject ignorance and in abject poverty. Excessive taxation has absorbed the capital of the country, so that even the small property of the peasantry, the jewels and personal ornaments of their females, have vanished at the call of the tax-gatherer.

The first insight acquired by the people of England into the East India Company's rule, was at the renewal of the Charter, in the year 1813. Great attempts were then made to baffle inquiry, and the means resorted to were in part successful. The year 1832 was the next important era of inquiry, and from this period it may be dated that the eyes of the people of England were opened to the wants of India, and that they saw in her a nation worn down by the oppression of her rulers. The last ten years have been actively employed in measures of improvement, and more has been done in this brief interval, in contrast with the past, than in the half century which preceded them. The Act recently passed for the Government of India, which makes the Directors tenants at will, instead of leaseholders for a term of twenty years, provides a potent check against jobbery and misrule, and the appointment to the body of the Directors, by the Crown, shews that Parliament is fully alive to their short comings. The closer subjection of the Indian Governments to the paramount power, in place of continuing them under the authority of a body of merchants, bankers, lawyers, and non-

be said; let them reflect on the men they have chosen to govern India,—on the motive of their votes,—shall two such bodies be preserved? Never have two bodies so completely worked out their own destruction! Never have two bodies more justly merited the fate that awaits them.

The East India Company's charter of 1832, provides a sum of £.5000 to be expended on education in the territories, under the Madras Presidency; of this amount, about £.3000 per annum have been recently expended in a collegiate school at Madras, which has given education to 160 pupils out of a population of twenty-two millions; the residue of the grant has been unemployed. In an interval of about the same duration, the Court of Directors expended out of the revenues of India a sum of £.53,000 in providing banquets for themselves and their supporters. If we except the Collegiate Institution at Madras, there is not a Government school over all the 140,000 square miles comprising the Madras territories.

Acting on the policy announced by Lord Dalhousie a few months after his arrival in India, that "it is not possible for any one to dispute the policy of taking advantage of any just opportunity for consolidating the territories that already belong to us, by taking possession of states that may lapse in the midst of them." The dominions of the Rajah of Travancore come

next in the order of absorption. Looking at the past it is not more easy to decide in what consists a "just opportunity" than to describe the features of a state that has "lapsed." Taking a practical view of the question, we may assume that any state has lapsed when it is thought an advantage that it should fall into the hands of the Governor-General; an argument that might well be applied to the case of the wretched creature, whom in virtue of a bill of sale by a late Viceroy Lord Hardinge, we placed on the throne of Cachmere, and have since supported in his excesses. Is it only with allies such as Goolab Sing that the English Government finds sympathy?

The condition of the Travancore state presents a favourable contrast with our own territories. Its sovereign, an enlightened Hindoo, has established schools throughout his dominions, and evinces his religious toleration by permitting the bible to be read in them. His courts of justice, modelled on those of the East India Company, are well ordered, the land assessment of his country is moderate, and his people are happy. In spite of a subsidiary force and other subsidies paid to the British Government, his treasury is well stocked—what more heinous crime in the eyes of an Indian Government?

The groundless pleas which have been urged for seizing the states of the native princes of India, have suggested a parallel to the press of India,

which has not inaptly been applied by it to the case of the King of Oude. “Thy country is  
 “surpassing rich, thy father was a knave, thy  
 “sister a harlot, thy mother a Cyprian, and thyself  
 “a good-natured fool, is it surprising that under  
 “the circumstances I killed thee?” Those of our  
 Indian moralists who have paraded before the  
 public the diaries of the fallen prince, and felt a  
 blush of shame steal over them when luxuriating  
 on the malicious and prurient tales of his de-  
 baucheries, would do well to peruse the domestic  
 annals of other sovereigns, and in candour then  
 ask themselves, whether among the princes of  
 India is to be found a lower standard of morals  
 than is on record against the kings and queens of  
 Europe—“*Facile est opprimere innocentem.*”

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A LETTER  
ON  
OUDH AND ITS TALOOKDARS,

BY

H. CARRE TUCKER,

LATE GOVERNOR-GENERAL'S AGENT AND COMMISSIONER, BENARES.

---

MY DEAR —————

You ask me for a brief account of Oudh and its Talookdars, to enable you to understand the debate now going on in Parliament. The following is, I believe, the true state of affairs.

Two years ago we annexed Oudh upon the alleged ground of misgovernment. The Annexation was, I think, equally unjust, ungrateful, and impolitic. A native Government secured by British bayonets against the only check to a despotism, namely, the fear of deposition, of course, misruled the country. This was good ground for insisting upon a reform of the system, under penalty of the removal of our troops, whose presence alone made such misrule possible; but not for dethroning a family which had always been friendly and submissive. The Oudh Government would have submitted to any terms we chose to dictate; and a good Administrator sent as Resident with full powers, and half a dozen efficient assistants stationed in different parts of the country, would have sufficed to bring the country into as good order as is compatible with a feudal and grossly ignorant state of society, and the absence of the humanizing influences of Christianity. However, it

was ruled otherwise ; and we took possession of the country under the cry of beating down oppressors, and raising up the oppressed.

Consistently with this cry, it was determined to throw aside the large landholders, and make the revenue settlement with the village communities and smaller holders. Our Government and Settlement Officers had, as stated by the *Times*, "a natural leaning in favour of the peasant cultivators to the detriment of the warlike and turbulent chiefs," whom it was thought politic to put down ; and the plan of ignoring their ancient possession had the additional advantage of bringing their manorial dues, averaging from 10 to 20 per cent on the village assessment, into the Government exchequer.

The usual state of landed property in Oudh was as follows. In addition to the mere cultivators who, beyond the right of cultivating their fields at certain fixed rents or rates, advanced no claim to the land, there were village communities and small proprietors who were the actual owners of the soil, and paid revenue, either to a feudal superior, or direct to the agent of Government. In most instances there was a feudal superior, a Rajah or Talookdar, who was lord of the manor over a number of villages, of which he collected the revenue, paying a certain portion to Government, and retaining from 10 to 20 per cent as his own right. He was often head of a clan, and in much the same position as a Highland chief previous to 1745. Over these Talookdars there were Government officers, with whom they are often confounded, who, under the title of Nâzim or Chukladar, annually farmed from Government the revenues of large tracts of country for a certain fixed payment, all that they could squeeze out in excess being their own profit. These men, from the very necessities of their position, were the greatest tyrants and oppressors imaginable. Backed by artillery and the armed force of Government, it was their business to rackrent the country, ex-

tracting within the year of their lease all that they possibly could; whilst the landholders resisted their exactions by force of arms. A constant war was thus carried on, and the revenue payments varied according to the relative strength of the Nâzim and the landholders. To avoid such contests, and obtain the privilege of paying a fixed sum direct into the Government treasury, many of the Talookdars would bid for the farm of their own part of the country. Such men, whilst acting as Lord Lieutenants, would of course use their delegated authority to consolidate their influence over their own clan and tenantry, and also to usurp rights over independent village communities. This employment of large Talookdars as Government farmers led, in many cases, to the most cruel oppression; and the whole system of annual farms was utterly abominable, and formed the frequent subject of correspondence between myself and Generals Sleeman and Outram, who did their best to mitigate the evil. It was, however, strenuously supported by the ministers and courtiers of the King at Lucknow, as leading to an annual repetition of presents and bribes, without which no candidate could hope to obtain investiture as Nâzim or Chukladar.

In such a disorganized state of society, it can easily be understood how warlike nobles and the chiefs of strong clans, rose to great power. Their weaker neighbours were often glad voluntarily to acknowledge their feudal supremacy, to obtain their protection against extortionate Government tax-gatherers, and plundering neighbours. It must be remembered, that however pugnacious towards the agents of Government, and oppressive towards resisting neighbours and the trading and manufacturing classes, these chiefs might be, they were of necessity kind and indulgent to their own yeomanry, the flower of whose youth they employed as armed retainers, and who considered the rough and ready patriarchal sway of their chiefs, but ill-exchanged for our harsh and unbending revenue system, and Courts of Law.

The state of civilization was low, somewhat similar to that of England at the close of the war of the Roses, or of the Scotch Highlands down to the '45. But such a society could not be suddenly raised by the abolition of the whole class of chiefs and barons, with the incidents of their feudal tenure, and the bestowal of a new freehold tenure upon the yeomanry. A long course of years, and a gradual increase of the middle classes, is necessary to allow a nation to grow out of feudal habits and attachments into the state in which we now see Great Britain and its nobility. In India, owing to the absence of a law of primogeniture, large landed estates break up only too quickly; and there is little need to hasten their decay, and the lowering of all to one wide level of poverty.

We ought, I think, in Oudh, as in our previous acquisitions, to have acted on the principle of accepting the existing status, and maintaining all tenures of which the holders had been in clear uninterrupted possession for the legal limit of twelve years previous to our rule. Although some tenures might have been originally founded on force or fraud, still many of them had existed for a long series of years. Recent acquisitions and very gross cases should have been ignored; but, with these exceptions, possession should have been maintained. The very fact of their confiscation proves that superior tenures existed. Lord Canning, in his letter to Sir James Outram, admits that "as a question of policy the Governor-General considers that it well may be doubted whether the attempt to introduce into Oudh a system of village settlement, *in place of* the old settlement under talookdars, was a wise one," though he is unwilling to "reinstate the talookdars at once *in their old possessions*," and declares that the course advocated by the Chief Commissioner, Sir James Outram, namely, "that such landholders and chiefs as have not been accomplices in the cold-blooded murder of Europeans, should be enlisted on our side by the *restoration of their*

*ancient possessions*, subject to such restrictions as will protect their dependents from oppression,' is, in the opinion of the Governor-General, inadmissible." Surely no further proof is required that, in the opinion of even Lord Canning himself, there existed, co-existent with the inferior allodial tenure of the village communities, a superior Lord-of-the-manor tenure, of which the proprietors, for reasons of supposed political and financial expediency, have been deprived.

Goruckpoor was a slice off Oudh appropriated by us several years ago, with exactly the same kind of tenures. But Mr. E. A. Reade, now senior member of the Board of Revenue at Agra, settled it fairly on the basis of upholding all existing rights, the settlement being made with the Rajahs and Talookdars, where such existed, and a sub-settlement formed for the protection of the village communities and tenantry. The village accountant had to give in a list of the names of all the cultivators, with the quantity of land cultivated by each, and the amount of rent payable by him to the village community. About two-thirds of these gross assets would be fixed as the sum payable by the village to the Talookdar, who, retaining generally 10 per cent as his own due, was responsible for the remainder to Government. All the co-existent rights being thus defined and protected, Goruckpoor remained contented and faithful, almost all the large Talookdars actively taking the part of Government, and endeavouring to resist the invasion from Oudh.

The summary assessment of Oudh was not, I believe, excessive. Mr. Martin Gubbins, the able Finance Commissioner, reduced the settlement in numerous instances where he thought it too high. The fault lay in Government following supposed political and financial expediency, instead of ascertaining and maintaining existing rights in possession, and in supposing that in the course of a very hurried assessment of revenue by officers many of whom were inexperienced, it was possible to adjudicate properly difficult claims to former rights. Lord Canning admits

that "it is too true that unjust decisions were come to by some of our local officers in investigating and judging the titles of the landholders." The natural consequence, as stated by Sir James Outram, was, that the landholders being "most unjustly treated under our settlement operations," and "smarting under the loss of their lands," when they saw that "our rule was virtually at an end, the whole country overrun, and the capital in the hands of the rebel soldiery, with hardly a dozen exceptions, sided against us." The yeomanry, whom we had prematurely attempted to raise to independence, followed the lead of their natural chiefs.

When the late noble Havelock first retired, and the relief of the brave garrison of Lucknow seemed almost desperate, I wrote to Lord Canning expressing my conviction that if he would authorize the proclamation of a revision of the Summary Settlement upon the basis of upholding 12 years' clear and uninterrupted possession of all tenures existing at the annexation, Rajah Mân Sing and the other talookdars who had not then gone over to the enemy, but were wavering, would remain staunch; his Lordship telegraphed back in the identical phrase now used in reply to the urgent remonstrance of Sir James Outram, that my proposal was "totally inadmissible." Thus in Oudh the Sepoy mutiny became a rebellion of the whole people.

Still, the chiefs behaved like gentlemen. Rajah Mân Sing took the greatest care of the ladies and children who fell into his hands. Roostum Sahee, though deprived of almost all his villages, and reduced to sell his wife's ornaments, saved the lives of my brother Charlton and the Sultanpoor refugees; and other talookdars did the same kind office for Messrs. Carnegy, &c. &c.

It is against these large landlords that Lord Canning's proclamation of confiscation is aimed, though its wording includes all landholders; and all, both small and great, are almost equally implicated in the rebellion, and deserving of punishment.

The proclamation is, I think, opposed to the first principle of justice, that no one should be punished as guilty until proved to be such. It is based on the presumption that all the landholders, with only six exceptions, have rebelled and deserve to be punished by the confiscation of their whole landed property. But many may never have rebelled. One I can answer for. Roostum Sahee has never risen, but has been in constant communication with myself and the officer in civil charge of General Franks' column; and by the last mail my brother writes of having paid him a visit of gratitude, on the march of Sir E. Lugard's column towards Azimgurh. Yet this fine fellow was dispossessed of his property, and ruined by our settlement; and, if ever reinstated in any portion of it, must hold it by the grace of Government, instead of as his own hereditary possession. No one likes to accept as a *favour* what he esteems his own by *right*. Lord Canning states that "the proper way of rectifying unjust decisions on the part of the local officers is by a rehearing where complaint is made." But what hope is there from a rehearing, when the local officer has only carried out the policy of Government in setting aside and dispossessing the talookdar in favour of the village community? In the same way, although his Lordship in his amended proclamation assures all who surrender promptly of "a large indulgence" and "liberal view of the claims which they may thus acquire to a *restitution of their former rights*," nothing is said as to what those rights are. If the principle of the summary settlement be upheld, they are simply *nil*, it having been assumed as "certain that the lands and villages taken from the talookdars had, for the most part, been usurped by them through fraud or violence." Thus the hope held out of restitution would be illusory, and only give rise to charges of treachery and bad faith from those who come in upon such indefinite promises.

It is absolutely necessary that Government should state

distinctly the principle upon which the revised settlement is to be based ; and I am clearly of opinion that it ought to be that of recognizing and upholding all existing tenures, with the restrictions necessary to protect the yeomanry from exaction. If this be not done, the Chief Commissioner, (who ought to know,) writes that the talookdars "will betake themselves at once to their domains, and prepare for a desperate and prolonged resistance," and that "we are only at the commencement of a guerilla war for the extirpation, root and branch, of this class of men, which will involve the loss of thousands of Europeans by battle, disease and exposure." As it is of the last importance that such a calamity should be averted, I earnestly trust that the Court of Directors and Board of Control, without waiting to receive a report of the Settlement when completed, may at once take up the subject and issue instructions as to the principle to be followed in arranging with the different landed proprietors of Oudh. Government does not claim, or want the land itself. It only wishes a fair and moderate assessment, which ought, I think, to be paid through the talookdar wherever he has had clear possession for the legal limit of twelve years, a sub-settlement being made for the protection of the village communities and cultivators. If, with our eyes open, we commit further injustice in Oudh, we shall richly deserve the curse which I greatly fear already hangs over us for our conduct to that country.

Yours very sincerely,

H. CARRE TUCKER.



THE  
WAR IN OUDE.

BY  
JOHN MALCOLM LUDLOW,  
BARRISTER-AT-LAW,  
AUTHOR OF 'BRITISH INDIA, ITS RACES AND ITS HISTORY'

"Forasmuch as to pursue schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honour, and policy of this nation . . ."—*Charter of 1784*, 24 Geo. III., sess. 2, c. 25, s. 34; *Charter of 1793*, 33 Geo. III., c. 52, s. 42

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[The present Pamphlet was written before the debate on Mr Baillie's  
Motion, February 16, 1858.]



# THE WAR IN OUDE.

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## I. THE WAR IN OUDE, AS DISTINCT FROM THE INDIAN MUTINIES:

Is England prepared to spend much more blood and treasure upon an unjust war ?

I speak not of the war in India generally, but of the war in Oude. I say not that the warfare of the past twelvemonth has been unjust, so far as it has had for its object the punishment of atrocious crimes. I rejoice indeed to learn, through "Judex's" late letter in the 'Times,' that the frequency of these has been greatly exaggerated,—that for the most part they recede from the view when inquired for on the spot. Still, whether rare or frequent, it was right that they should be visited with signal chastisement. It was right that the races of the East, morbidly sensitive as respects female honour, should learn that Englishwomen could not be outraged with impunity. I trust that the Mogul princes met with a righteous doom from Hodson's bullets ; though I had rather that their royal carcases had dangled from a lawful and timely gibbet, a token to all Asia that before the sternness of English justice the blood of Timour and that of the meanest sweeper are alike. Nay, although it is no longer time to take such measures, I could have seen without reluctance a complete destruction effected of every palace or building which has witnessed a proved act of dishonour or torture towards a woman or a child ; the site either to be left as a desolation and a hissing for ever, or, better still, to see rise upon it some last-

ing monument of Christian worship or Christian charity. For, strange as it may seem, I believe that no lessons are more easily forgotten than those which are written in blood. There are certain acts of solemn destruction which are far more fitting exponents of a nation's wrath. The Roman Republic of 1848 might have lived longer, had it not left stone upon stone of the palace of the Inquisition.

Again: I say not that the warfare of the past year has been unjust, so far as it has had for its object the quelling of military revolt. I have expressed elsewhere my feelings as to what has led to the mutinies. I may believe more and more that a panic terror has been at the bottom of many of them, which a little more wisdom, a little more fellow-feeling would have allayed. Even were I to attribute the rebellion, as some do, exclusively to the "petting" of the Bengal Sepoy, I might yet say that the proper treatment of a spoilt child is not to flog him to death, nor the proper treatment of a petted army to exterminate it; and I may therefore hail with joy Sir Henry Rawlinson's suggested amnesty, to accompany the proclamation of the Queen's Government. Still, military discipline is a sacred thing. Mutiny *must* be quelled—with temperate sternness if possible—yet somehow. I would not inquire too curiously into the conduct of those who have successfully put it down, provided that in doing so they have not lowered themselves to atrocities similar to those which they claimed to punish.

Once more: I say not that the last year's warfare is unjust, so far as it has had for its object the subduing of our own revolted territories. I believe that, by whatever means assumed, the burden of an Indian empire lies upon us; that the English nation is the trustee of India for God and man; that with us it rests, and with no other race, to teach the Indian peoples "how to live;" that, were we to shrink from the task, there is at present no other power in India or out of India capable of fulfilling it. I say this, not forgetting, on the one hand, our own grievous shortcomings, sins, crimes; not forgetting, on the other, the many noble qualities of the Indian races, the judgment, abilities, loyalty shown on the

present occasion by several of the native princes, and which surely claim at our hands a wider and freer field for their exercise. But having said so, I can look back with pride upon the English glories of the present struggle. John Lawrence's untiring energy,—Archdale Wilson's dogged perseverance, knowing when to strike, because it has known how long to wait,—Havelock's brief career of desperate triumph,—the dauntless Agra sallies,—the unflinching constancy of Lucknow,—Outram's self-forgetful gallantry,—Greathed's swoop of victory,\* or Grant's,—last, but far from least, Colin Campbell's consummate generalship,—all these are precious to me, less even in themselves, less as the qualities or achievements of individuals, than as the component elements of a national work, the bright tokens of a strengthened sense of national unity, full of hope for the future. Each man has done his duty, not because it was his alone, but because it was part of a common task. Each man has helped to bear another's burden, by nobly bearing his own. The British Empire in Northern India had to be maintained, had to be restored. Against all odds it has been maintained, it has been restored. What remains of disturbance in our older territories can, probably without much difficulty, be put down. Let it be so by all means. Give the glorious veteran now in command every means for doing so. Every English man, woman, and child should know by this time that what he does is well done.

But precisely because I deem it was right to quell the Sepoy mutinies, needful to maintain the British empire in India,—precisely on that account I claim that we should not pass the Rubicon between right and wrong, by carrying on an Oude war, when our Indian empire seems all but restored.

For what we are fighting in Oude is no longer a Sepoy mutiny, but the insurrection of a people under its hereditary chiefs; not a Mussulman conspiracy, but a "Hindoo confederacy." As was excellently pointed out in a letter published in the 'Daily News,' under the signature of "Anglo-Indian,"

\* Disfigured however, it is rumoured, by excesses on the part of his troops, which have alienated the peasantry in places where they were yet faithful.

by an officer of great experience among the Rajpoot tribes,\* Oude, although latterly a Mussulman sovereignty, is originally "one of the oldest of Hindoo kingdoms, and its ancient history is prominent in Hindoo legends as well as its traditions." The Rajpoots of Oude, although looked down upon by those of Rajpootana, who will not intermarry with them,—probably as having bowed to the Mussulman yoke,—are men proud of their antique lineage. They have preserved in great measure that system of feudal clanship, described in Colonel Tod's work on Rajasthan, which, where it exists, is a social element of scarcely inferior importance to the Hindoo village municipalities themselves. Under the name of Talookdars, exercising independent jurisdiction, responsible to Government for the revenues of whole districts, the heads of clans have retained their position as great feudatories of the Mussulman sovereigns of Oude. Some of them at least, "perhaps many," as "Anglo-Indian" says, "are descendants of the Rajpoot families settled there and enjoying power from time immemorial."

It is these talookdars and their peasantry whom we are now fighting. As was shown by the Calcutta correspondent of the 'Daily News,'† the rising of the chiefs was a thing quite apart from the mutiny, and actually subsequent in date to our chief successes over the mutineers. After Havelock's entry into Lucknow, says the writer, "*almost all of the Sepoys, utterly disheartened by their defeat, dispersed in all directions; but simultaneously with their departure, the talookdars, or holders of fiefs and lands, rose as one man against our force.*" So wrote a "Civilian" to the 'Times' from Allahabad on November 1:‡—"Till Havelock's final retreat from his last unsuccessful attempt to relieve Lucknow, they" (the talookdars) "seem to have tried to temporize; but when Havelock recrossed the Ganges to Cawnpore, and it appeared that we had decidedly failed, the talookdars declared against us without reserve."

Of the talookdars in general the same correspondent says, that at first they "behaved to us well personally. They are men of honour in their way; with the butchery of a rabble they have no sympathy; to protect all who seek their protec-

\* Dec. 25, 1857.

† Dec. 1, 1857.

‡ Dec. 15, 1857.



tion is with them a point of honour.\* By none have so many European lives been saved as by these men." Chief among them, the writer says again, is Man Singh, "*and it is in reality a Hindoo confederacy.*"

What is said of the talookdars in general applies especially to Man Singh, "one of the largest property-holders in Oude," who (as the 'Daily News' correspondent says) "both by the late King and by our Government has been deprived of a considerable portion of his estates. Throughout this struggle he had, up to a very recent moment, remained neutral; he had saved the lives of several of our ladies and countrymen; and he had caused to be intimated to our Government that *on receiving a promise of being re-invested with his forfeited estates, he would exchange his neutrality for armed co-operation.*" Our Government was pressed to accede to this offer, by some of our ablest public servants; but they did not at all like the proposal, and temporized. General Havelock's early repulses, and the distressing accounts which came in from Lucknow, caused them to reconsider the proposal. . . . Before, however, their consent could be conveyed to Man Singh, that powerful vassal, despairing of ever obtaining it, had cast in his lot with the rebels." Of Man Singh the "Civilian" further states that he "*does not like the Sepoys,*" that he is besieging Lucknow "on his own account with 20,000 followers, in fact with all the warlike clans of Oude at his back;" concluding with the significant words—"at present we have certainly no friends in Oude."

Let us therefore not be led away into charging these Oude landholders and villagers with the massacres of Cawnpore—a city, be it remembered, within our own territories. Nana Sahib, the Mahratta, whose ability and determination seem unquestionable, may have served for a time as a leader to the revolted Sepoys. But his attempt to proclaim the Mogul supremacy seems to have fallen very flat from the first. Delhi

\* I am told that "there is a beautiful rifle with a brace of pistols now being manufactured at Birmingham, as a present from a party of English to a Zemindar of Oude, by whom they had been generously protected when flying from our Sepoys."

has succumbed, and Oude is still in arms, and in proportion as the struggle there became more national, the wily Mahratta Brahmin will have been less and less fitted to head the proud Rajpoot clans, whose contempt for low-caste Mahrattas is well known. Where is he even? No one seems to know for certain. The rumour has long been afloat that he is the prisoner of some landholder, who retains him as a hostage for his own safety.

If, therefore, we mean really to carry on this Oude war, let us not attempt to do so under the old war cries. No more shouts of "Death to perfidious mutineers!" when we have to deal with landholders and peasants. No more shouts of "Vengeance for our women and children!" when we are fighting those who did not take up arms against us till they had seen our women and children in safety. Let the Oude war stand on its own ground, if it have one to stand on. But now that Lucknow is relieved,—now that the cry of "Save us! we perish," comes no more from Inglis's heroic band, bidding all other voices be dumb, shall we not inquire whether there be any such ground? whether we are not blindly enforcing that which may have been a blunder on the part of others, but will be a falsehood and a wrong on our own? Shall we not pause to consider whether Lord Dalhousie's annexation of Oude, and the mode in which it was carried out, did not afford our present foes just cause for rising against us, do not afford us just reason for coming to terms with them.

## II. THE ANNEXATION : INTERNAL MISRULE THE SOLE PLEA FOR IT.

Before proceeding to consider the annexation of Oude in itself, I wish distinctly to state that I shall not do so with a view to the claims of the late ruler of that country. However hardly I may deem him to have been dealt with, he is not the foe whom we have to encounter. Even Nana Sahib only raised the standard of revolt in the name of the Emperor of Delhi, and not in that of the King of Oude. In the name of neither is the war now carried on, so far as I am

aware. The present insurrection of the Oude people on their own behalf has blown to the winds whatever treaties may have bound us to their late sovereigns, so far as territorial relations are concerned. It is with reference to the Oude people that I wish to view the annexation; and my starting-point will therefore be wholly different from that of the able author of "*Dacoitee in Excelsis*." But that starting-point is one afforded to me by the annexation itself.

Two years only have elapsed since the kingdom of Oude, numbering five millions of inhabitants, was annexed to British India.

The grounds of this measure are set forth in a Proclamation, forwarded by the Governor-General in Council to the Court of Directors, as intended to be issued in case the then sovereign of Oude should refuse (as he did) to sign a certain treaty prepared for his acceptance. Here they are :\*

"By a treaty concluded in the year 1801, the Honourable East India Company engaged to protect the Sovereign of Oude against every foreign and domestic enemy, while the Sovereign of Oude, upon his part, bound himself to establish 'such a system of administration, to be carried into effect by his own officers, as should be conducive to the prosperity of his subjects, and calculated to secure the lives and property of the inhabitants.'

"The obligations which the Treaty imposed upon the Honourable East India Company have been observed by it, for more than half a century, faithfully, constantly, and completely.

"In all that time, though the British Government has itself been engaged in frequent wars, no foreign foe has ever set his foot on the soil of Oude; no rebellion has ever threatened the stability of its throne; British troops have been stationed in close proximity to the king's person, and their aid has never been withheld, whenever his power was wrongfully defied.

"On the other hand, one chief and vital stipulation of the treaty has been wholly disregarded by every successive ruler of Oude, and the pledge which was given for the establishment of such a system of administration as should secure the lives and property of the people of Oude, and be conducive to their prosperity, has, from first to last, been deliberately and systematically violated.

\* Oude. Papers relating to, presented to both Houses of Parliament by command of Her Majesty, 1856, p. 255.—I shall hereafter refer to this as the "*Oude Blue-book*."

"By reason of this violation of the compact made, the British Government might long since have justly declared the treaty void, and might have withdrawn its protection from the rulers of Oude. But it has hitherto been reluctant to have recourse to measures which would be fatal to the power and authority of a Royal race who, whatever their faults towards their own subjects, have ever been faithful and true to their friendship to the English nation.

"Nevertheless the British Government has not failed to labour, during all that time, earnestly and perseveringly, for the deliverance of the people of Oude from the grievous oppression and misrule under which they have suffered. . . . The friendly intentions of the British Government have been wholly defeated by the obstinacy, or incapacity, or apathy, of the Viziers and Kings of Oude. . . . The people of Oude are still the victims of incompetency, corruption, and tyranny, without remedy, or hope of relief.

"It is notorious throughout the land that the King, like most of his predecessors, takes no real share in the direction of public affairs.

"The powers of Government, throughout his dominions, are, for the most part, abandoned to worthless favourites of the Court, or to violent and corrupt men, unfit for their duties, and unworthy of trust.

"The collectors of the revenue hold sway over their districts with uncontrolled authority. . . .

"The King's troops, with rare exceptions, undisciplined and disorganized. . . have become a lasting scourge to the country they are employed to protect.

"Gangs of freebooters infest the districts; law and justice are unknown, armed violence and bloodshed are daily events; and life and property are nowhere secure for an hour. . . .

"Fifty years of sad experience have proved that the Treaty of 1801 has wholly failed to secure the happiness and prosperity of Oude, and have conclusively shown that no effectual security can be had for the release of the people of that country from the grievous oppression they have long endured, unless the exclusive administration of the territories of Oude shall be permanently transferred to the British Government.

"To that end, it has been declared, by the special authority and consent of the Honourable the Court of Directors, that the Treaty of 1801, disregarded and violated by each succeeding Sovereign of Oude, is henceforth wholly null and void. . . .

"Inasmuch, then, as his Majesty Wajid Alee Shah, in common with all his predecessors, has refused, or evaded, or neglected, to fulfil the obligations of the Treaty of 1801, whereby he was bound to establish within his dominions such a system of administration as should be conducive to the prosperity and happiness of his subjects; and inasmuch as the treaty he thereby violated has been declared to be null and void; and inasmuch as his Majesty has refused to enter into other agreements

which were offered to him in lieu of such treaty ; and inasmuch as the terms of that treaty, if it had been still in force, forbade the employment of British officers in Oude, without which no efficient system of administration could be established there, it is manifest to all that the British Government had but one alternative before it.

“ Either it must altogether desert the people of Oude, and deliver them up helpless to oppression and tyranny, which, acting under the restrictions of treaty, it has already too long appeared to countenance, or it must put forth its own great power on behalf of a people for whose happiness it, more than fifty years ago, engaged to interpose, and must at once assume to itself the exclusive and permanent administration of the territories of Oude.

“ The British Government has had no hesitation in choosing the latter alternative.

“ Wherefore, proclamation is made that the government of the territories of Oude is henceforth vested, exclusively and for ever, in the Honourable East India Company.” . . .

What then does this Proclamation amount to?

That the Oude State has ever been faithful and true to its “ friendship with the British nation.”

That its sole crime has been internal misgovernment.

That the British Government is compelled, for the sake of its oppressed and helpless people, to take the exclusive administration of the country into its own hands.

It would seem then, on the highest authority, that in India kings may be lawfully dethroned for misgovernment only ; . . . that such misgovernment may be only negative, caused “ by obstinacy, incapacity, or apathy ; ” . . . that it may lawfully form part of the royal bill of attainder that the King, “ like most of his predecessors, takes no real share in the direction of public affairs.” . . . Perilous doctrine, don’t you think, Mr. Smith ?—Very, Mr. Jones, for you or me to be spouting. . . . But Lord Dalhousie was a very great governor ; Mr. J. Dorin is a very great financier ; Mr. Barnes Peacock is a very great lawyer. . . . Of course they know best.

Let that pass. But again, is it so certain that a treaty by a ruler with third parties stipulating for the better government of his own country, gives those third parties a right to take possession of the country on non-observance of that stipulation ? Mr. Barnes Peacock argues from Vattel, that “ a breach

of contract or treaty is an injury which confers upon the injured nation a right to resort to force, for the purpose of obtaining her rights;" and that "when a nation is compelled to resort to force for the recovery of her rights, she is entitled to security against future wrongs;"\* but does he really touch the question at issue? If Mr. Doeskin enters into partnership with my young friend Cord, giving me a bond for the due fulfilment of his partnership obligations to the young man, shall I be justified, legally, on forfeiture of that bond, in claiming possession of Doeskin's whole share in the plant, stock, and goodwill, with the right of dictating to Cord the terms of a new partnership? will not Cord at least have some voice in the matter? Or if the relation of partner and partner seem too close for that between an Eastern despot and his subjects,—will it mend matters if you suppose Cord to be only a servant, and Doeskin to carry on the business in his sole name? Will not my claim to take it from him become only the more monstrous, the more unheard of? Will Cord's services be in any wise transferred to me by the forfeiture? But perhaps it may be said that Oude was only a vassal sovereignty. Mr. J. P. Grant was bold enough to argue that it was only a British province. Mr. Peacock recoils from urging such an argument. Yet, strain the analogy to the utmost; suppose Doeskin to be actually my tenant, and the stipulations in Cord's favour to be covenants in his lease. When did the law of England ever favour a forfeiture? When did it ever turn a mere covenant into a condition of holding *ut res pereat*? If the Oude territory were to have been made annexable on breach of the treaty stipulations in favour of its people, should there not have been the most express declaration to that effect? Before the case provided could be held to have arisen, should there not have been the clearest evidence that the people, the party to be benefited, had been consulted in the matter? Would Mr. Peacock, arguing *in banco*, have ventured to justify the occupation of an English pigstye on grounds similar to those by which he condescended to colour the seizure of a kingdom?

But Oude was annexed, 7th February, 1856. Mr. Peacock's

\* Oude Blue-book, p. 230

reasonings on the hypothesis of our being "compelled to resort to force," took no effect. The prince whom we were deposing offered no resistance. He refused, indeed, to sign any new treaty. "Treaties," he exclaimed, "in a passionate burst of grief,"—as General Outram describes it,—“are necessary between equals only: who am I now, that the British Government should enter into treaties with?”\* “But a proclamation was issued by him to his officers and subjects,† apprising them that, according to the orders of the British Government, the servants of that Government had been appointed for the administration of the kingdom of Oude, and would assume the government;” that therefore they were to “take heed to obey all orders which might be issued, and to pay the revenue to them, and to become faithful subjects to them;” “on no account to resort to resistance or rebellion. The army ought on no pretence to revolt or mutiny, because the servants of the British Government had the power to punish.” Certainly, a most accommodating tyrant; but let that also pass.

In a famous minute of Lord Dalhousie's, of the 28th February, 1856, reviewing his administration in India,‡ he wrote as follows:—

“The government of the province was assumed on the 7th of this month. Up to the present time no resistance has been attempted, no disturbance of the public peace has occurred. The troops of the King are contentedly taking service in our pay; and thus far, at least, no zemindar or chief has refused submission to our authority.”

On the 10th December, 1856, the Court of Directors wrote in turn:—

“An expanse of territory embracing an area of nearly 25,000 square miles, and containing 5,000,000 inhabitants, has passed from its native prince to the Queen of England, without the expenditure of a drop of blood, and almost without a murmur.

“The peaceable manner in which this great change has been accomplished, and the tranquillity which has since prevailed in all parts of the country, are circumstances which could not fail to excite in us the liveliest emotions of thankfulness and pleasure. . . .

\* Oude Blue-book, p. 288.

† Ibid. p. 290

‡ Ordered by the House of Commons to be printed, 30th May 1856.

“From the conduct of the King, and the claims of the family, we turn to the behaviour of the chiefs, and the great body of the people, whose ready acquiescence in the great change to which they have been subjected we have noticed with extreme satisfaction.” . . .

Already, in the perusal of these Io Pæans, one cannot help feeling a curious sort of sensation, as if the ground we stood on had shifted unperceived. As towards the Sovereign of Oude, we heard only of a helpless people, who had to be released from grievous oppression. As towards England, we find boasts of the extent of territory added to the Queen’s sway, self-congratulation that there has been no resistance. . . . Was then deliverance profitable to the deliverer? Did he expect to be scarcely welcome to the delivered? . . . But let that pass also.

Up to the end of 1856, then, we may suppose that it was possible for honest men to believe that the misgovernment of Oude had justified annexation; that, by assuming the government of the country, we had relieved that people from an intolerable burden.

But how stands the case in February 1858?

A military mutiny has broken out, which has, with the exception of a few fragments, swept away the whole of the Company’s Bengal native army. That army, it is admitted, has been, as well as many of the “contingents” of native princes, recruited from Oude. But, although the revolted troops have been worsted in almost every engagement, mostly bayoneted on the spot, seldom rescued from immediate slaughter but to be hung or blown from guns,—after seven or eight months of rebellion, Oude is still a foreign country; and the greatest achievements of the war have been the relief twice effected of a beleaguered English garrison from its capital, Lucknow, and the final successful “retirement” of our greatest commander, with his priceless spoil of English livcs. Though the last advices are more favourable, in the whole territory we seem to hold one post only, that of the Alumbagh, where Outram remains always victorious, beleaguered always. The last accounts show us Sir Colin Campbell, after strengthening “the frontier,” defeating Ro-



hircund rebels, and driving them into Oude. Indian papers have even speculated on the twelvemonth passing away before Oude can be reconquered.

Reconquered ! Who could have believed his ears if such a word had been uttered in February 1856 ? Reconquered !—with the deposed Sovereign in our safe custody in India, his family in Europe, his mother dead at Paris. Reconquered ! that oppressed people to be reconquered from themselves ! Reconquered by British arms ! that helpless people who were too weak to get rid of their own tyrants, since we were forced to take their cause into our own hands ! Reconquered ! do we really mean it ?

Surely the complete revolt, in less than eighteen months, of a country annexed on the ground of intolerable misgovernment, proves one of two things,—if not both :—

Either the misgovernment alleged must have been exaggerated,—or

It was succeeded by a state of things more intolerable than itself.

Let us then look back upon the Oude Blue-book in the flashing light of the present insurrection. Who knows but what the shadows may fall somewhat differently from what they did ? Who knows but what the searching glare may bring out into shape many details which escaped our eyes in the soft half-lights of official prosperity ?

### III. THE MISGOVERNMENT PLEA CONSIDERED.

Thus viewed then, it seems to me that the Oude Blue-book can present itself in no other aspect, to a lawyer at least, than as a “brief for the prosecution.” Guilt is implied all through. Colonel Outram on taking office is instructed “to apply himself, on his arrival at Lucknow, to an inquiry into the present state of that country, with a view to determine whether . . . the duty imposed upon the British Government . . . will in truth any longer admit of our honestly indulging the reluctance we have felt to have recourse to those extreme measures which alone can be of any real efficacy in remedying

the evils from which the State of Oude has suffered so long ;” Mr. Dorin observing, “It seems to me quite impossible that things can be allowed to go on as we suppose them to be at present.”\* This was in November 1854 ; in March 1855, General Outram reports that he has applied himself, since his arrival at Lucknow on the 5th December, to “an inquiry into the present state of Oude.” With this object he has availed himself of a special opportunity “to submit a series of questions to the magistrates of the neighbouring British districts, which, *though apparently intended merely to obtain information bearing on the matter under discussion (for to have put more direct queries might have raised embarrassing conjectures as to their object)*, were also calculated to elicit the opinions of those gentlemen as to the extent of misrule and anarchy prevailing within the Oude territory during the last few years.”† The memorandum so referred to (issued eight days after his arrival in Lucknow) starts from “the unsatisfactory arrangements which at present exist relative to the co-operation afforded by the frontier police to the police authorities of the British Government, in the districts contiguous to the kingdom of Oude.”‡ General Outram reports ; and on the report the Governor-General concludes “that while the King should be permitted to retain his Royal title and rank, he should be required to vest the whole civil and military administration of Oude in the hands of the Company, and that its power should be ‘perpetual in duration, as well as ample in extent.’”§

Now, however frightful may or may not be the picture presented by the inquiry, it is thus obviously one which did not spontaneously offer itself to, did not force itself upon the eyes of, the Indian Government. The “oppressed” and “helpless” people of Oude are not shown anywhere to have cried to it for relief. We hear of no anxious deputations to Resident or Governor-General entreating deliverance from their

\* November 21, 1854 ; Blue-book, pp. 1, 3, 5.

† March 15, 1855 ; Blue-book, p. 12.

‡ December 13, 1854 ; Blue-book, p. 47.

§ June 18, 1855 ; Blue-book, p. 187.

tyrants. From the first page of the Blue-book to the last I have failed to discover the *slightest trace* of any manifestations of feeling on the part, either of the people of Oude at large, or of any single subject of the Oude State, in favour of annexation, or that it ever struck any British authority that the "oppressed" and "helpless" people had any right to speak on their own behalf in the matter. We may find representations urged through the British Resident by stipendiaries or others claiming British protection, whose pensions are in arrear, or who may have grievances to urge; but nothing more. What should we say of the French Emperor, were he to annex Belgium by reason of the crimes and outrages there perpetrated, on the faith of reports by the French Minister and the neighbouring French *préfets*, without adducing a single Belgian opinion in favour of the step, and without even alleging anything about Belgian feeling in his proclamation?

But if we look a little deeper, we shall find that the "case for the prosecution," as I must call it, actually breaks down on one or two points. Lord Dalhousie's proclamation, it will be observed, tenderly pre-occupied with the sufferings of the voiceless millions of Oude, does not even allege, what might have been expected, that a country given up to such oppression was a nuisance to its neighbours. It says nothing itself about insecurity in the British territories by reason of Oude misrule. Yet General Outram's memorandum to the British magistrates had expressly sought to elicit evidence on this point. They were requested to inform him whether "the crimes of murder, arson, cattle-lifting, and dacoitee, had during the last few years (six or seven) been gradually on the decrease, or otherwise; and whether, if on the decrease, they attributed this to the efficiency of the Oude local authorities on the borders, or to the decrease of the population, consequent on the continued insecurity of life and property."\* But the answers were so various, that they evidently could not be relied on as conclusive. The magistrate of Futtehpore declared "the increase or decrease of crime" in his district, as connected with the Oude territory, "a point not easy to be

\* Blue-book, p. 47.

ascertained." But he pointed out "how the neighbourhood of an independent, and *reputed* to be lawless state," affected his district. Of the several dacoitees that had been committed within his own district, all with the exception of one had been perpetrated on houses or residents within a stone's throw from the Ganges, by parties from Oude, who crossed over the river, did their work, and escaped back again. This was good evidence for the prosecution; although the magistrate's conclusion is, apparently, to establish a frontier police on *our own* border.—The magistrate of Jaunpore, on the other hand, reports that "dacoitee has certainly decreased within the last few years;" that "murder has also decreased;" that "cattle-lifting is common" in three of the frontier jurisdictions, but that from only one of them almost all the stolen cattle go into the Oude territory; from the other two, "as many" are carried "into the Azimghur district as into Oude,"—*i. e.* into British territory as into the "reputed" lawless kingdom! He was bound to speak well of the (Oude) Nazim of Sultanpore, who had always been "ready to do what he asked, and had never shown any disposition to screen or encourage offenders."—The Goruckpore magistrate also reported a decrease of crime on the border; he was not aware that the border population was diminishing, and felt "induced to attribute this satisfactory state of things to the co-operation of the Oude police force." The (British) police officers on the borders, on being inquired of, professed "entire ignorance" as to "the localities in Oude, in which dacoits and other criminals took refuge." He was "not surprised at this," he says, "because the Oude people do not trouble the peace of this district." A decidedly bad witness for the prosecution.—The Furruckabad magistrate is a somewhat better one. "Oude," he says, "no doubt affords facilities for the escape of persons who have committed crime in this district, and the concealment of stolen property; but I have always received the most cordial co-operation from Captain Hearsey [Oude police], whenever offenders were to be apprehended, or stolen property traced out."—The Cawnpore magistrate goes more into detail, specifying certain cases in which

persons guilty of crimes were inhabitants, or "said to be" inhabitants of Oude, or had absconded thither. But in many of the cases one or more of the culprits seem to have been arrested in Oude; in some, information is given from Oude as to the crime. So far from the mischief being progressive, "the most striking feature" in the table given "is the permanent character of crimes; they neither increase nor decrease materially. In the dacoitees in 1854, parties resident in Oude were not implicated. The dacoits who have infested this and other districts, *come from Gwalior and the south-west.*" But the magistrate believes the "permanency" of crime to be its worst feature, and traces it to—"1. The facility for escape offered by foreign territory and the river Ganges. 2. The difficulty of tracing or recognizing criminals who reside in Oude. 3. The lawlessness and insecurity of life and property there. . . . 4. The temptation held out, by extortion, to the landlords to share in the plunder obtained from our districts."

Now, had any one of the magistrates addressed reported that frontier crimes were committed from Oude, who could have been surprised? Does it not *invariably* happen, at the line of demarcation between two jurisdictions, that offences are committed from the one within the other? Do not City thieves in Fleet Street make forays westward, and metropolitan thieves in the Strand, eastward, through Temple Bar? Do they not, after their forays, retire within their respective domains? Are there two adjacent counties in England, two adjacent countries in the world, between which the same process is not perpetually going on more or less? Is it not always sure to be exaggerated,—each local authority being only too happy to throw the blame on its neighbour?—and even where the mischief grows more to a head in one jurisdiction than another, so long as the evidence is all on one side, who can tell whether it proceeds rather from the lawlessness of the offending, or from that of the offended side?—Yet in this case, not one of the five reporting magistrates can declare that crime is on the increase on the British border. One can say nothing on the point; another does say nothing; one states it to be "permanent;" the two

others say that it is decreasing. One knows little or nothing of the Oude frontier police; another cannot say whether the efficiency of the Oude local authorities has increased of late, but from one particular native officer has always experienced "great willingness" to assist him. Two speak highly of the co-operation of the Oude frontier police; the last does not think the Oude local authorities "do their utmost."

The attempt, then, to prove that Oude oppressions were growing more and more dangerous to British security broke down utterly. And now the impertinent question suggests itself,—Could the Oude local authorities have set up any similar case as to crime on the Oude border arising from the vicinity of British territory? One of the magistrates addressed (he of Jaunpore) is honest and clumsy enough to give some clue even as to this. His friendly co-operator, the Nazim of Sultanpore, has "complained bitterly" to him "of the conduct of certain of the Oude talookdars, who, he said, have purchased a small estate or two in this district, and, on the strength of this fact, claim the character of British subjects. These men, he said, often commit excesses within the Oude territory, set the local authorities at defiance, and retreat into this district."\* Again, Captain Bunbury, in command of one of the Oude regiments, complains of the native officers of the British district of Azimghur, as continuing to harbour a particular criminal.† And, on the whole, General Outram admits there is "no doubt" that "the British districts bordering on Oude have in reality derived great benefit of late years from the Oude frontier police."‡ So General Low, a former Resident at Lucknow, in a minute of Aug. 15, 1855, "can also state it to be a fact that in all those measures depending upon a native prince which relate *exclusively* to the interest of a paramount State, such as searching for and giving up criminals who have escaped into Oude from our provinces, supplying our troops when marching through Oude, protecting our Dâks, etc. etc., the Government of Oude has always been, and is up to this day, unusually attentive and efficient. . . . The Kings

\* See, as to the above facts, Oude Blue-book, pp. 47-57.

† Ibid. p. 59.

‡ Ibid. p. 46.

of Oude have co-operated most actively and efficiently with us in capturing Thugs and dacoits; and in regard to the settlement of petty frontier disputes about lands . . . the Oude Durbar acted during my incumbency at Lucknow (and I conclude it is the same to this day) *with a degree of alacrity and a leaning to our wishes*, such as I never saw before, or since, in any other native State in any other part of India.”\*

We see, therefore, why Lord Dalhousie’s proclamation confined itself to the internal grievances of Oude. An attempt had been made to prove Oude an increasing nuisance to the neighbouring British territories; that attempt had failed. The state of crime on the Oude frontier appeared to be either stationary or on the decrease. There was a frontier police under British management, the efficiency of which was admitted by the British Resident. Such a frontier police seemed to be wanting, and was called for, on our own side. A neighbouring British district was as much a focus of crime as Oude itself. Oude local authorities retorted on ourselves the charge of harbouring crime against them.

But again, if Oude misgovernment had been really intolerable to the Oude people, they must have fled their country. On this point also the proclamation says nothing; on this point also evidence had been sought to be elicited. General Outram’s memorandum expressly requested information from the British magistrate whether, if crime were on the decrease, this was to be attributed to “the great inducements which the British territories adjacent afford for the immigration into our districts of the laborious and peaceful inhabitants of this kingdom.” It would be as well for them, he said, to ascertain, as correctly as they could, “in what numbers the inhabitants of Oude have availed themselves of the facilities which abound, of entering our territories and settling therein, whether temporarily or permanently.”† More “leading” questions could hardly have been devised. I cannot better sum up the answers than in his own words :—

“It may naturally be supposed that *the people of Oude, if so greatly oppressed as has been represented, would emigrate to the neighbouring*

\* Oude Blue-book, p. 226.

† Oude Blue-book, pp. 47-8.

*British districts, which it does not appear, from the replies I have yet received from the magistrates whom I questioned on the subject, that they do to any great extent.* The magistrate of Futtehpore says nothing on this point, while those of Azimgurh, Shahjehanpore, and Allahabad have given no reply at all. The magistrate of Jaunpore is '*not aware* that the population of Oude has decreased of late, or *that there has been any considerable emigration from Oude into British territory.*' The magistrate of Goruckpore says nothing of emigrants, but that there are from ninety to one hundred families who have possessions on both sides of the frontier, who live sometimes in Oude and sometimes in the Goruckpore district. and who are therefore constructively subjects of both Governments. The magistrate of Furruckabad says the emigration from Oude into his district is, he believes, very limited, though in time of difficulty many people from Oude take refuge there for a season. The magistrate of Cawnpore furnishes a list of emigrants from Oude 'during the last six or seven years,' amounting to 2,333, of whom 1,354 are agriculturists, and 1,294 non-agriculturists; and states, 'these people have emigrated with their wives and families, and may be regarded as permanently established. The non-agriculturists perhaps may be looked upon as birds of passage, but still they are not likely to return to Oude.' '\*

Now let it be observed, in the first instance, that emigration, even permanent emigration, though it may testify to a state of society in some way or other unhealthy, cannot fairly be treated as direct evidence of misgovernment, by Englishmen at least. For to do so would be to admit that the United Kingdom, being of all European countries the one which sends out most emigrants, is, therefore, the worst governed. That species of emigration which marks misgovernment consists in the sudden rush of whole masses of people, leaving their homes altogether at any cost, such as that of the Mugs of Aracan in the last century, taking refuge in British territory from Burmese oppression; of this we see no trace in this case. In spite of all leading questions, not one of the magistrates referred to can speak to any considerable or increasing emigration. What are the 2,333 emigrants into Cawnpore during six or seven years, compared to the five millions of Oude inhabitants? Louis Napoleon might as easily establish the fact of British misgovernment by the number of English emigrants to Boulogne; and I have no doubt that, during the

\* Oude Blue-book, p. 44.



same period, any five or six emigrant-ships will have conveyed away from British India at least an equal number of Coolies, our fellow-subjects, to that of the immigrants from Oude. What seems chiefly to have taken place is what I have elsewhere described in reference to the Nizam's territory,\*—an occasional flight into the British territory from temporary exactions, followed by return when opportunity offers. Hence, probably, those "90 to 100 families" spoken of by the magistrate of Goruckpore, "who have possessions on both sides of the frontier, who live sometimes in Oude, and sometimes in this district." Hence the statement by the magistrate of Furruckabad, that, "in time of difficulty, many people from Oude take refuge here for a season."

Incredible then as it may seem, these "oppressed" and "helpless" people of Oude, notwithstanding what General Outram calls "the facilities which abound of entering our territories, and settling therein," were stupid enough by no means to appreciate the advantage of living under the blessings of British rule, much as they may have appreciated those of British protection in their own country. Lord Dalhousie, in his Minute of June 18th, 1855, reviewing the condition of Oude, fully admits the fact, with General Outram.—

*"It is remarkable that, under the pressure of so many and such various ills, the people of Oude should have so little recourse to emigration as a means of escape from the sufferings they undergo. The fact is thus explained by the officiating Resident.*

*"The condition of Oude cannot be fairly tested by the extent of emigration; for, as stated by Major Troup, although shamefully oppressed, they are much attached to their country. And it happens that the middling and agricultural classes especially, who otherwise might be driven to emigrate, obtain indirectly the protection of the British Government, to such an extent as preserves them from the necessity of having recourse to the extreme measure of abandoning their birthright, in the privilege which their relatives in the Company's service enjoy, of petitioning through the Resident, who has thus the means of inquiring into grievances, and demanding redress in their behalf. To acquire this privilege, any agricultural family in Oude, perhaps without exception, besides many of other occupations, sends one of its members into the British Army, and thus secures, through him, the right of*

\* British India, its Races and its History, vol. i. p. 217.

claiming the Resident's interference. The number of Oude Sepoys in our service, consequently, who enjoy this privilege, is estimated by Colonel Sleeman at 40,000; and the relatives they represent may probably amount to ten times that number, or nearly one-tenth of the entire population of Oude.'"\*

—A most valuable and pregnant statement, as showing how the mutiny of the Bengal army might flow from Oude annexation, and the present war in Oude from the mutiny in turn. But what does it amount to?

About one-tenth of the population of Oude, through its connection with soldiers in British pay, enjoyed such immunity from the effects of Oude misgovernment, that it was not worth its while to emigrate. Then what becomes of the complaint in the proclamation, that "disinterested counsel and indignant censure, alternating, through more than fifty years, with repeated warning, remonstrance, and threats, have all proved *ineffectual and vain*"? Is not this blowing hot and cold with the same breath? You stumble upon a fact the very reverse of what you sought to elicit, which you can only account for, by your own admission, on the supposition of British interference in Oude being effectual for its purpose. You ignore the fact, and then proclaim that your interference has been "*ineffectual and vain*"!

But if the non-emigration of the one-tenth of this "oppressed" and "helpless" people is explained by their enjoyment of special British protection, what of the other nine-tenths who did not enjoy it?† How came they not to flock out in troops to embrace the blessings of English rule? Why from 400,000 to 500,000 souls should remain in the country, you may have shown to your own satisfaction; that the other four and a half millions should do so,—except as to such of them as might form the oppressor class,—remains, on your own showing, quite unaccountable.‡

\* Oude Blue-book, p. 179.

† See this point well put in 'Dacoitee in Excelsis,' p. 186.

‡ We saw that in trying to prove Oude a nuisance to British India, one fact at least had come out, tending to show that British India was a nuisance to Oude. The question in like manner suggests itself, whether there may not have been emigration *from* British territory into Oude, as well as from Oude

the way of government. Still less am I surprised that a man like Sir William Sleeman, the most energetic of murderer- and robber-catchers, should have been most desirous of putting an end to that state of things anyhow. But when I look, on the other hand, to the facts evidently implied in or asserted by the Blue-book, that the people amongst whom these things occurred, not only did not openly seek that British rule should be extended over their country, but actually did not leave it, to any perceptible extent, for our own territories, the feeling which I am led to is rather one of wondering shame. What can be the nature of British rule in India, I ask myself, when the men of Oude did not cry for it as a deliverance from evils like these? What can it be, when they have risen in arms against it? Surely, if their present insurrection proves nothing more, it proves how dangerous it is to square the ideas of good or bad government to the standard of a single nation; that what would be intolerable in one country may be more than tolerable in another; that the shoe pinches different feet in different places, and that a wild warlike race may honestly prefer the chances of open violence to the slow grinding of taxation,—a tumultuous freedom to a quiet servitude.\*

#### IV. THE SUPPRESSED TREATY.

And now one last thing remains to be told, before I quit the subject of the annexation itself.

I have treated the question on the footing which the proclamation of Lord Dalhousie afforded me,—that of the interests of the people of Oude themselves. I have been glad to do so. I cannot pretend to much respect for the royal race of Oude. Usurping ministers originally, none of them, except Ghazee-ood-Deen Hyder, appears to have deserved the

\* There is, indeed, another side to the question, on which, in order, as I said before, to confine myself, on this head, to Blue-book evidence, I shall not here dwell. For indeed, in reading Lord Dalhousie's charges against the Oude Government, I have almost to rub my eyes to make sure that I have not before me some Indigo-planters' or Missionaries' memorial on the condition of our own territories. Take, for instance, one paragraph of Lord Dalhousie's pro-

affections of his people. Their good qualities seem to have been chiefly reserved for exercise towards the Power which has annihilated them. "I believe," wrote Sir William Sleeman in 1851, as quoted by General Outram, "no native sovereigns in India have been better disposed towards the British Government than they have been, or have, in time of difficulty, rendered aid, to the extent of their ability, with more cordiality or cheerfulness."\* So Lord Dalhousie, in his minute of June 18, 1855, using words which were afterwards partly embodied in his proclamation: "The rulers of Oude, however unfaithful they may have been to the trust confided to them, however gross may have been their neglect, however grievous their misgovernment of the people committed to their charge, have yet ever been faithful and true in their adherence to the British power. No wavering friendship has ever been laid to

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clamation of February 1856, and compare it with the Bengal Missionaries' petition, dated 15th December in the same year.

LORD DALHOUSIE ON THE STATE  
OF OUDE.

"Gangs of freebooters infest the districts."

"Law and justice are unknown."

"Armed violence and bloodshed are daily events."

"And life and property are nowhere secure for an hour."

Indeed, it will be found from the figures adduced by the author of 'Dacoitee in Excelsis,' p. 182, that the ratio of crime in Oude, if greater than in our newly annexed territories, appears to be considerably *less* than in our older possessions.

\* Oude Blue-book, p. 167.

THE MISSIONARIES ON THE STATE  
OF BENGAL.

"The police force are powerless to resist the gangs of organized burglars or dacoits."

"Throughout the length and breadth of the land, the strong prey almost universally upon the weak, and power is but too commonly valued only as it can be turned into money." (Quoted from Lieutenant-Governor Halliday.)

"Gang-robberies of the most daring character are perpetrated annually, in great numbers, with impunity. . . . There are constant scenes of violence in contentions respecting disputed boundaries."

"In many districts of Bengal neither life nor property is secure."

their charge. They have long acknowledged our power, have submitted, without a murmur, to our supremacy, and have aided us, as best they could, in the hour of our utmost need.”\* General Low says, “It is not only that the Kings of Oude, have never been hostile to us in their proceedings, and never intrigued against us in any way; they have abstained from any kind of communication with other native potentates, except openly and through the medium of the British Resident; and during our wars against our enemies, they have constantly proved to be really active and most useful allies to us; they have, again and again, forwarded large supplies of grain and cattle, etc., to our armies, with an alacrity that could not be exceeded by our own British chiefs of provinces, etc. etc.”† and he gives many remarkable instances in support of this statement. Nay, as Sir W. Sleeman said also in the before-quoted paper, “Since the days of Vizier Alee, none of the sovereigns have been, either from disposition or habit, cruel or tyrannical; they have all been gentlemen, humane and generous.”‡ But, however this may be, it is undoubtedly disgraceful to a royal race that they should ever have been required, by treaty with another power, to bind themselves to the good government of their country; it is still more disgraceful that they should not have fulfilled the obligation.

But what if they had transferred that obligation, as they thought, legally, to the Power with which it had been contracted?

Incredible as it may seem, this was actually the case.

On the 11th September, 1837, the last British treaty was concluded with the then King of Oude. The seventh article—I quote from a memorandum by Captain F. Hayes, assistant to the Resident, and enclosed in General Outram’s report—states:—

“It is hereby provided that the King of Oude will take into his immediate and earnest consideration, in concert with the British Resident, the best means of remedying the existing defects in the police, in the judicial and revenue administration of his dominions; and that, if his Majesty should neglect to attend to the advice and counsel of the

\* Oude Blue-book, p. 84.

† Ibid. p. 225.

‡ Ibid. p. 167.

British Government, or its local representative, and if (which God forbid) gross and systematic oppression, anarchy, and misrule should hereafter at any time prevail within the Oude dominions, such as seriously to endanger the public tranquillity, *the British Government reserves to itself the right of appointing its own officers to the management of whatever portions of the Oude territory, either to a small or great extent*, in which such misrule as that above alluded to may have occurred, for so long a period as it may deem necessary; the surplus receipts in such case, after defraying all charges, to be paid into the King's Treasury, and a true and faithful account rendered to his Majesty of the receipts and expenditure of the territories so assumed."\*

On which Captain Hayes proceeds to observe,—

"The Home authorities disapproved of that part of the treaty which imposed on the Oude State the expense of the auxiliary force; and on the 8th of July the King was informed† that he was relieved from the cost of maintaining the auxiliary force, which the British Government had taken upon itself.

"*With respect to the remaining articles of this treaty, the Court at Lucknow consider that they are binding on the contracting powers; and it appears that they have received no intimation that the treaty has been cancelled, nor are they aware that it is valueless in the estimation of the British Government.*"

Let us endeavour to realize the state of things thus indicated.

The Kings of Oude were secured by British protection against all aggression, whether of foreigners or of their own subjects.

Their political morality was so low, that they had to be bound, by treaty with strangers, to govern well.

Their subserviency to British influence was such, that in the event of "gross and systematic oppression, anarchy, and misrule" within their dominions, they authorized by treaty the British Government to take into its own hands the management of any portions of their territory, great or small, and for any period.

\* Oude Blue-book, p. 81.

† Lord Auckland's letter, conveying the intimation, dated 8th July, 1839, will be found in 'Dacoitee in Excelsis,' p. 91. His words are: "I have in consequence been authorized by the Court of Directors to inform you that '*if I think it advisable for the present*, I may relieve your Majesty from *part of the clause* of the treaty alluded to, by which clause expense is laid upon your Majesty."

They were never informed that the British Government had repudiated such an authority, but, on the contrary, believed it to have been accepted.

What could be expected by the British Government, of such rulers? How could it insist upon their governing well? Can you make a man a puppet, and then quarrel with the thing for not being a man? Most truly does Mr. J. P. Grant say, "It seems to me as hopeful a task to rear heart-of-oak in a dark cellar, as to bring up, under a foreign protectorate, a capable ruler in the palace of such a dependency as Oude." \*

How then could Lord Dalhousie's proclamation dare to charge on the rulers of Oude all the misgovernment of which, not by actual tyranny, but by "obstinacy, or incapacity, or apathy," by taking "no real share in the direction of public affairs," they had been guilty, without saying one word of the treaty by which they deemed themselves to have vested in the British Government full powers of stopping such misgovernment? Do we see the hypocrisy of annexing a whole country as the only means of securing the good government of its people, when, for nearly twenty years, we might for that purpose have entered upon the government of any portion of it which we thought required such a measure, and have kept that government as long as we might have deemed it necessary?

That this hypocrisy, as I must again call it, was no oversight of self-delusion, is easily shown. Lord Dalhousie, to use his own words, met it "full in the face."

In his Minute of Jan. 15, 1858, concurred in by the other members of Council, the Resident is instructed as follows:—

"It is very probable that the King, in the course of the discussions which will take place with the Resident, may refer to the treaty negotiated with his predecessor in the year 1837.

"The Resident is aware that that treaty was not continued in force, having been annulled by the Court of Directors as soon as it was received in England. The Resident is further aware that, although the King of Oude was informed, at that time, that certain provisions of the Treaty of

\* Oude Blue-book, p. 209.

1837, respecting an increased military force, would not be carried into effect, the entire abrogation of the treaty by the Court of Directors was never communicated to his Majesty.

*“The effect of this reserve and want of full communication is felt to be EMBARRASSING to-day. It is the more EMBARRASSING that the cancelled instrument was still included in a volume of treaties which was published in 1845 by the authority of Government.\* There is no better way of encountering the difficulty than by meeting it full in the face.*

*“If the King should allude to the Treaty of 1837, and should ask why, if further measures are necessary in relation to the administration of Oude, the large powers which are given to the British Government by the said treaty should not now be put in force, his Majesty must be informed that the treaty has had no existence since it was communicated to the Court of Directors, by whom it was wholly annulled. His Majesty will be reminded that the Court of Lucknow was informed at the time that certain articles of the Treaty of 1837, by which the payment of an additional military force was imposed upon the King, were to be set aside. It must be presumed that it was not thought necessary at that time to make any communication to his Majesty regarding those articles of the treaty which were not of immediate operation, and that a subsequent communication was inadvertently neglected. The Resident will be at liberty to state that the Governor-General in Council regrets that any such neglect should have taken place, even inadvertently.”†*

Do we rightly conceive the stain upon the name of England which is burnt in by proceedings like these? A treaty is entered into, with all due formality, by a native sovereign with a Governor-General. He receives notice that one or two of its articles have been disapproved by higher authority at home. Of course the necessary inference from such notice is, that the remainder of it has been approved of. Eight years after, he sees the treaty published by authority of the British Government. Eleven years after such publication, he receives the first intimation that the treaty has been wholly null from

\* This is less than the truth. In ‘Dacoitee in Excelsis,’ p. 209, will be found a letter by Lord Hardinge to the King of Oude, written in 1847, which expressly refers to and quotes the Treaty of 1837 as if still subsisting.

Again, the Oude Blue-book itself shows that in 1851 Colonel Sleeman wrote as follows.—“I do not think that our Government can any longer *forbear to exercise, to the fullest extent, the powers which the Treaty of 1837 confers upon it, of taking upon itself the administration, and conducting it by means of its own officers*” (p. 166).

† Oude Blue-book, pp. 239, 240



the beginning. What native can believe, after this, in the signature of a Governor-General—in the authority of a British official publication?\*

One last point requires to be looked to. Annexation was treated as necessary for the sake of the people of Oude. To “desert” them, says Lord Dalhousie, “would have been to deliver them up *helpless* to oppression and tyranny.” They had no power then, it would seem, to resist that oppression, that tyranny, by themselves? . . . The very reverse is expressly stated in the very minute to which the proclamation is annexed.

“Were it not,” says Lord Dalhousie, “for the support which the Government of India is known to be bound to afford the King against all domestic as well as foreign enemies; were it not for the constant presence of British troops at Lucknow, *the people of Oude would speedily work their own deliverance*, and would impose upon their ruler that effectual check of general revolt by which Eastern rulers are best controlled.”†

Now there were reasons why a man really jealous of the fair fame of his country should have shrunk from even the most proved necessity of annexation. In the case of Oude, it unfortunately could never *seem* disinterested. Oude was no sandy desert, no barren mountain-ridge. Sir William Sleeman had thus described it in 1850:—“The surface of Oude, with the exception of the belts of jungle above described, *is well cultivated*, and the soil *is richer than any that I have ever seen in any of our own districts*.”‡ The revenue of the country might fall short of its expenditure; but the British Govern-

\* See also the opinion of Dr. Travers Twiss (*Dacoitee in Excelsis*, p. 192), concluding as follows:—

“Upon the best consideration which I have been able to give to all these facts, I am constrained to come to the conclusion that the Governor-General of India in Council was *not authorized by the Law of Nations to set aside the Treaty of 1837 as inoperative*, and to look exclusively (Oude Papers, p. 149) to the Treaty of 1801 as the instrument by which the mutual relations of the East India Company and the rulers of Oude were regulated.”

But, indeed, turn the international question into one of private law, and there is not a court of justice in England which would support us in claiming to set aside the instrument of 1837 on the ground of want of ratification.

† Oude Blue-book, p. 180, Minute of Jan. 15, 1856.

‡ *Ibid.* p. 161.

ment owed the State little short of two millions of money.\* The annexation was expected to be so profitable that Lord Dalhousie looked forward to a surplus under British management, "after meeting all the ordinary charges of the administration" (the military portion of which had been undertaken by the Company since 1801, in consideration of a cession of territory), "and after providing for those measures of gradual improvement to which the increase in the revenues of the province ought unquestionably to be made applicable in the first instance;" which surplus he thought "should be placed at the disposal of the British Government."† The incorporation with our own dominions of the territories of our most faithful Indian ally, upon the ground of internal misgovernment, must always have seemed a harsh measure. Was it wise, for England's honour, to use such rigour so profitably to ourselves?

And now the tale of the Oude annexation may be dismissed. The country was seized on the plea of internal misgovernment. The misgovernment was such as neither rendered it a nuisance to British India, nor induced the population to seek for the application to it of British rule, nor to quit it for British jurisdiction. The misgovernment was such as the sovereigns of Oude had given us power to check, of our own authority, any time for the last nineteen years. The misgovernment was such as the people of Oude would have put down, the moment that the pressure of British power was withdrawn.

In the face of these facts, Lord Dalhousie proclaimed to all India that "no effectual security" could be had for the release of the people of Oude from their oppression, "unless the exclusive administration of the territories of Oude should be permanently transferred to the British Government."‡

\* Return to House of Commons Order, ordered to be printed, March 14, 1856.

† Oude Blue-book, p. 189. Mr. Peacock indeed, I am glad to say, opposed this disposal of the revenues, thinking "that no pecuniary benefit should be derived by the East India Company." (Ibid. p. 231.)

‡ At this point there runs through the Blue-book, if we cared to trace it, a vein of rich comedy.

Although "*firmly believing*" that the "incorporation" of Oude "with the

## V. EPISODE : HOW IN 1835 OUDE WAS NOT ANNEXED.

By way of episode, let us go back to the first quarter of the present century. Bishop Heber is travelling in Oude, 1824-5. Anglo-Indian talk about Oude miseries is as loudly benevolent as in 1855. He has "heard much of the misgoverned and desolate state of the kingdom of Oude." He has been cautioned against the dangers of Lucknow. To his astonishment, he finds the armed peasants "peaceable and courteous." In Lucknow he meets with "invariable civility and good-nature," and "a far greater spirit of hospitality and accommodation than two foreigners would have met with in London." He is pleased and surprised, after all which he has heard of Oude, "to find the country so completely under the plough, since, were the oppression so great as is sometimes stated, I cannot think" (he says) "that we should witness so considerable a population, or so much industry." From Lucknow to Sandee "the country is as populous and well cultivated as most of the Company's provinces." The then King—the accomplished Ghazee-ood-Deen-Hyder—to whom "no single act of violence or oppression has ever been ascribed," or "supposed to have been perpetrated with his knowledge"—complains of having "lent to the British Government all the money which would have enabled him to ease the people of their burdens." The people, whilst speaking freely of their home grievances, when asked whether they would wish to be put under English government, exclaim, "with great fervency, MISERABLE AS WE ARE, OF ALL MISERIES KEEP US FROM THAT!" \*

British dominions, and the total extinction of its sovereignty, *would be the happiest issue that could be desired* for the interests of all connected with it," the mild and moderate Lord Dalhousie did "not counsel the adoption of that measure by the Government of India." Gentle violence has to be practised upon him by his bold fellow-councillors, headed by Mr. Dorin and Mr. J. P. Grant; and, under encouragement from the Court of Directors, he at last takes the final step in that work, of which, as he touchingly states in the opening minute of the Blue-book, the "ripened fruit will be gathered only by those who may come after." Pleasant fruit for Lord Canning!

\* The above extracts are collected in 'Dacoitee in Excelsis,' pp. 73 et seq.

Let us go on for about ten years. The Hon. Frederick John Shore, Judge of the Civil Court and Criminal Sessions of the district of Furruckabad, writing, in 1833, under the signature of "A Friend of India," to a Calcutta paper, those invaluable Letters which were afterwards published in a collected form under the title of 'Notes on Indian Affairs,'\* speaks as follows :—

"The misgovernment of Oude has been the most fertile topic for the English for years ; and it is strenuously asserted, both officially and in private conversation, that the people are sighing for the introduction of our rule, to put a stop to the miseries under which they are groaning. . . . This opinion is deduced, first, from the reports and statements of the different Residents at Lucknow, derived from their sycophant dependants. I believe that many of them have officially given opinions quite at variance with their private sentiments, satisfying their consciences by representing them as having been derived from conversations with the people, without discriminating what *class* of natives were their informants. The next is the inefficiency of our own police, and the inadequate protection to person and property which it affords. The magistrates, being obliged to make periodical reports, are necessitated to find some reasons which should not detract from the excellence of our system. For the districts along the whole border territory, Oude is the scapegoat. 'The dacoits come from Oude.' 'They are protected by the zemindars, and others in authority.' 'Until some better system be enforced in his Highness's dominions, it is impossible that peace can be preserved here.' 'The thieves find a ready deposit for their plunder in Oude.' . . .

"Now the truth is this :—The boundary is a mere arbitrary line drawn through a tract of country which was formerly under the same government. On each side of the boundary, the people are connected by the ties of kindred and acquaintance, and even by being sharers in the same property ; and they keep up their intercourse both for good and evil. In the robberies in our border territories, some of the Oude people are undoubtedly occasionally concerned, but, I believe I may say, *invariably* in connection with some of the residents in the British possession. Equally are some of our subjects in the same manner connected with the robberies in Oude. . . . Should an application be made for the apprehension of a criminal from Oude, who has taken refuge in the British dominions, in general no notice is taken of it. . . .

"The current assertions respecting the misgovernment of Oude receive considerable strength from what passes repeatedly between our

\* London J. W. Parker, 1839. 2 vols. 8vo.

officers and their Sepoys. Every one has complained (and with much truth) of the tendency among the natives who are connected with those in authority, to turn that connection to improper account, and to make use of it in order to enforce an unjust demand or an unfounded claim. No class is more prone to this than the British Sepoys. . . . I firmly believe that three-fourths, or even a larger proportion, of the complaints of injustice suffered in their own country by the Oude Sepoys in our army, are in reality of such a nature that, in strict justice, they ought to be punished for making them. . . .

"I have travelled over several parts of Oudo, and can testify, as far as my own observation went, that it is fully cultivated according to the population. . . . I have known many officers who have been stationed at Sectapoor, and have made excursions into the neighbouring parts; without an exception, they described the country as a garden. In the number of cattle, horses, and goods which they possess, and in the appearance of their houses and clothes, the people are in no points worse, in many better off, than our own subjects. The wealth of Lucknow, not merely of those in authority, but the property of the bankers and shopkeepers, is far superior to that of any city (Calcutta perhaps excepted) in the British dominions. . . . How can all this be the case, if the Government is really so notorious for tyranny and oppression? The truth is, that the Lucknow Government is in many cases more lenient than our own. Sales and confiscations of hereditary property are by no means common there. . . . True, a man is not unfrequently deprived of his estate, as a punishment, but it is rare that he is not ere long restored; and that is better than being permanently stripped of his possessions, perhaps for a trifling balance caused by over-assessment of the lands."\*

But those were the days of Lord William Bentinck,—the days when not Shore alone, but other worthy compeers, Trevelyan at their head, were fearlessly exposing every canker in the Indian administrative system. Lord William Bentinck had come out impressed, as all the world, with the enormity of Oude misrule. He had threatened the ruler in 1831, as Lord Dalhousie complacently reminds us in one of his minutest as well as in his proclamation,† that, if his government were not reformed, the settlement of it would need to be made by British officers. But Lord William Bentinck had an awkward trick of thinking for himself. On investigation, it struck him that, between the King of Oude and the British Resi-

\* Notes on Indian Affairs, vol. i. pp. 152-7.

† Oude Blue-book, p. 155.

‡ Ibid p. 255.

dent, the latter was the greater nuisance of the two. "Clothed with a degree of state equal to that of royalty itself, acting the part rather of a schoolmaster and dictator than of the minister of a friendly Power, exercising a jurisdiction totally incompatible with the Royal dignity and authority," he thought "it would be more for the comfort of the Sovereign, for the advantage of good government, and for the interests of both, that the Sovereign should be relieved from this more than king."\* He may have gone too far in this direction, in absolutely refusing to support the reforms of an able native minister, Hakim Mehdi, though, had he remained longer in office, it may still be a question whether the freedom which he sought to leave to the Oude rulers, if they could once have believed in its reality, might not have been a greater blessing to their people than British tutelage.† He did not go too far, when the Court of Directors specifically empowered him to dethrone the King of Oude and annex his country, in remonstrating against such instructions, almost as the last act of his government (1835).‡

And now Frederick Shore returned again to the subject. The state of Oude, he says, "has during the last two years excited considerable interest, and produced no small portion of discussion in the public prints." The motives of the Court of Directors, in issuing the late orders for annexation, "*are obvious enough—gain*." Situated as Oude is, the taking possession of it would not require us to augment our military force, whereas it is anticipated that, after defraying the expenses of its civil administration, a considerable surplus would remain for the benefit of the Company; besides which, its acquisition would render our territories more compact." He knows it is "a sort of heresy" to hint that anarchy and misrule do not prevail in Oude. Still he goes over again, and at

\* I meet with this remarkable extract in Mr. Malcolm Lewin's pamphlet, 'Has Oude been worse governed by its Native Princes than our Indian Territories by Leadenhall Street?' p. 7.

† See Wilson's continuation of Mill, vol. i. pp. 374 et seq.

‡ Observe the contrast. Lord William Bentinck, before leaving office, refuses to annex Oude; Lord Dalhousie requests his term of office to be prolonged that he may do so.

greater length, all the allegations to this effect, and his answers to them. The land, it is said, is uncultivated. His answer is, that "the rent demanded of the people is much less than in our own provinces; they are consequently not only much better off in the number of their flocks and herds, the quality of their food, clothes, and other necessities of life, but are not, as is the case in our provinces, compelled to cultivate every spot of ground which can possibly be made to yield a return, where, while the people are obliged to work much harder than the Oude peasants, they must be content with a bare subsistence. . . . The simple fact is, that in Oude the peasants retain so large a share of the profits of their labour, that they are not so necessitated to cultivate other than the good soils, while the waste yields them brushwood for fuel, and grazing for their cattle." But as to the fertile portions, he speaks of one which is a "perfect sheet of wheat and barley,"—of "forests of mangoes" bounding the horizon,—the mango in that part of the country not yielding any tolerable return until fifteen years, which "does not look like insecurity of property." . . .

"The police is at least as efficient as our own, and it receives considerable assistance from the landholders. Crimes such as gang-robbery and affrays are certainly not more numerous than in our own territories; burglaries and small thefts are less so. The tranquillity of Lucknow itself is remarkable: few people carry arms; and affrays, thefts, and quarrels are far less frequent, in proportion to its size, than in the average of large towns in the British provinces. . . .

" . . . There is still in Oude a pretty numerous middle class of landholders, to whom the people look up with hereditary respect, and who are of the greatest use in settling claims and disputes. . . . In the towns also, the merchants are very much in the habit of resorting to arbitration."

But it is said that the "constant insurrections" proclaim oppression. Mr. Shore's answer is, that he doubts whether the difference between the state of things on one side of the border, and that on the other, does not lie in words. "What we call 'insurrection' there, would, on our own side of the river, be denominated 'petty disturbances.'"

But how could the idea of Oude misgovernment ever be-

come so general? First, through "the fixed creed of the English, that everything of English origin, or appertaining to ourselves, must be superior to everything connected with the natives." Few people know anything about Oude; civilians seldom visit it. Those on the borders of Oude have been too glad to look upon that country as the scapegoat to bear the blame of the inefficiency, either of themselves or their police; so that the Furruckabad Judge *does not know* "*what the magistrates on its borders would do for an excuse, if we take possession of Oude.*" As to military men, many have only seen the road between Cawnpore and Lucknow, where much of the land lies waste simply because it is worthless; and this state of things is attributed to oppression. "The servants of others are sometimes beaten for attempting to enforce the purveyance and forced labour system, which they are accustomed to do with impunity in our own provinces; and when the masters abuse the people, they sometimes meet with the retort courteous. . . . This, of course, produces furious complaints of the misgovernment of the country, and the insolence of the people." Others derive all their notions respecting Oude from the interested complaints of Sepoys. On the whole, with satiric moderation, he concludes:—

"The people of Oude are not worse governed than our own subjects. . . . In every part are to be found respectable landholders and heads of villages, of various degrees of rank and wealth, forming the chain between the higher and lower classes, instead of, as in our provinces, the whole being reduced to the equality of a nation of paupers. They are not cursed with confiscation laws, or special commissions, nor with salt, opium, or other monopolies, . . . The people are not excluded from every office which a man of integrity could accept; . . . and, without exception, there is not a single class which does not possess more wealth and property than the corresponding class in our own provinces. . . . In one part of the Doab, not many months ago, the people, farmers and peasantry, held quite a rejoicing on hearing a report that that part of the country was to be transferred to the King of Lucknow."

As to the wealth of the people of Oude, it is shown, first, by the bazaars, "not only in Lucknow, but in any town in the country," being filled "with far more numerous and expensive articles than those of corresponding size in our own



territories;" next, by the large sums invested by Oude merchants in Government securities; lastly, by the openly avowed anticipations of surplus revenue to be derived, under our revenue-screw, from the country when annexed.\*

So wrote the Judge of Furruckabad twenty-two years before the annexation. I do not say that things in 1857 were precisely in the same condition as in 1835. It is the natural course for a protected State, under puppet kings and a Resident with ever more dictatorial authority, to retrograde. It should be the natural course for territory under British rule to progress. Yet there are ominous resemblances between the two pictures. The desire to annex, the cry against Oude misrule, the specific pleas put forth, or sought to be put forth, for the extinction of the native power, the anticipation of surplus revenue from such extinction, are the same. The hints against the propriety of annexation, which are supplied by the accusing Blue-book of 1857 itself, seem to grow into substantial realities in Mr. Shore's pages. Can it be possible that the main difference lies in this, that Lord William Bentinck and Frederick Shore were in their graves?

## VI. HOW THE ANNEXATION WAS CARRIED OUT IN 1857.

Perhaps we are now better able to understand why, instead of informing us that the blessed deliverance of British rule had been received by the oppressed people of Oude with delirious joy, the Court of Directors only congratulated their Governor-General on the acquisition of 25,000 square miles of territory with 5,000,000 inhabitants, "without the expenditure of a drop of blood, and almost without a murmur." Perhaps we may be tempted already—without looking to later consequences—to attach some weight to the remarkable warnings addressed to the House of Commons by Mr. Otway, in his speech of April 15th, 1856:—

"I fear that this annexation will result in some fearful disaster to this country. . . . I have letters in my possession which state that, when the measure of annexation was proclaimed at Lucknow, no fewer

\* Notes on Indian Affairs, vol. ii. pp. 260-280.

than 10,000 persons actually put on mourning\* on the announcement of what they regarded as the greatest disaster that could befall them, namely, the annexation of their country to the British dominions; and the letters further state, that the poor people almost universally tore their hair and beat their breasts in despair when the sad intelligence reached them. I very much fear that the result of the measure will be tumult, disaffection, and bloodshed, not only amongst the people of Oude, but amongst the Sepoys as well, as many of them belong to that country; and I have received a letter, in which the writer, a most intelligent and respectable person, declares that the measure has been regarded in that country generally as one of the most unjust and impolitic acts ever perpetrated by this country in the course of its government in India, and petitions, very numerous signed, have been presented against it.”†

Still, however perpetrated, I do not wish to say that the annexation of Oude might not have been successful. The Kings of Oude had no lengthened pedigree; their sovereignty was of yesterday. They were Mussulman rulers in a land in a great measure peopled by Hindoos, and Hindoos of the upper castes,—able Brahmins, warlike Rajpoots. They had no great personal popularity, or the Oude people would at once have flown to arms for the maintenance of their dispossessed monarch. On the other hand, the English prestige was great. For more than half a century they had been the recognized protectors of the people. “The British character,” wrote Colonel Slemman in 1851, is “respected in the remotest village and jungle in Oude; and there is, I believe, no part of India where a European gentleman is received among the people of all classes with more of kindness and courtesy than in Oude. He is treated with the same respect and courtesy in the most crowded streets of the populous city of Lucknow.”‡ Now, when we think of the Oriental character in its passiveness, in its fatalism, in its personal attachments, we see at once how possible it would have been for the original vice of possession to have been overcome. Scinde had been the victim of the most scandalous treaties and breaches of treaty. The

\* This of course is figurative. The people of India do not wear mourning, properly so called.

† Hansard's Parliamentary Debates, vol. cxh. p. 1222.

‡ Oude Blue-book, p. 167.

Ameers had seen a whole warlike population rise in arms on their behalf. Their power had only been broken by two hard-fought battles. But the genius of Sir Charles Napier made Scinde an attached dependency of the British power. Bold among the bold, prudent among the prudent, a chief of chiefs, a comrade to any soldier, a protector to the oppressed, irresistible in war, yet always devising facilities for the arts of peace, he transformed a den of robbers into a thriving garden. Far more easy would his task have been in Oude.

But in Oude the British Government at once made itself known not through a man, but through a system. Most characteristic is the despatch addressed by the Secretary to the Government of India (February 4th, 1856) to Major-General Outram, as Chief Commissioner for the affairs of Oude and Agent to the Governor-General. Places and salaries are what it starts with. He is to have in subordination to him "a judicial and a financial commissioner, commissioners of divisions, deputy-commissioners, and extra assistants." Their number is fixed approximately beforehand. Their pay is to range from 3500 rupees to 250 rupees a month, say from £4200 to £300 a year. Besides "special military assistants," there will be in due time an "inspector of jails," a "Department of Public Works." A special "Office of Audit and Account" is deemed "at present unnecessary." Not a thought appears to have been taken of any existing native administration, of any adaptation of the new government to the habits of the people. The administration is to be conducted as "nearly as possible in accordance with the system which the experience of nearly seven years has proved to have been eminently successful in the provinces beyond the Sutlej;" that is to say, the "system" imposed on the Punjab by force of arms, after the crushing of the native Government, is to be applied, after a peaceful annexation, to a wholly different race. There is to be a "summary settlement of the land revenue," to be "made, village by village, with the parties actually in possession, *but without any recognition, either formal or indirect, of their proprietary rights*;" the assessments are to be "moderate and, so far as that may be practicable, equable." All transit duties (if any)

are to be abolished. "The only sources of Imperial revenue will be the land and an excise on the retail sale of spirituous liquors and intoxicating drugs (abkaree), for the introduction of which latter, arrangements must be made forthwith, on the plan which obtains in the North-western Provinces and the Punjab." "Fiscal and judicial authority are to be united in the person of the Commissioner and the district officer." As respect rent-free lands, all "grants for which sufficient authority can be produced and established" are to be confirmed; but they are to be strictly proved.

The time would fail me for going through the twenty and more pages of which this despatch consists. Of its minuteness I cannot give a better idea than by saying that it details the establishment of projected charitable dispensaries, including the bheestie, or water-carrier, and the sweeper, each at four rupees—say 8s.—a month. But let us try and realize its operation.

How tender are we in England of interference even with vested abuses! how careful to adjust the most needed reforms in the State so as to press most lightly upon private interests! Abolish the idlest sinecure in the Exchequer, and Mr. Deputy Chaffwax will expect and receive compensation by Act of Parliament. In our own country, acting under the sanction of a popular representation, we do not think it beneath us to attend to such trifles. But Lord Dalhousie sweeps away at one blow the whole system of native administration in Oude; and what does he propose by way of compensation for vested interests? Pensions to civil servants, who have served at least twenty-five years, amounting to from one-fourth to one-half of their emoluments; to those who have served twenty years and under twenty-five, *nine months'* pay; to those who have served fifteen years and under twenty, *six months'* pay; to those who have served seven years and under fifteen, *three months'* pay; to those who have served less than seven years, apparently, nothing at all! "Provided also, that *no person shall be recommended for pension or gratuity who may decline employment offered to him under the British Government.*"

Do we rightly conceive the bearing of this? Suppose our whole administrative system swept away, and replaced by one

on the newest Napoleonic pattern. Suppose the working of it so novel to Englishmen, that a number of French *employés* have to be brought in, at high salaries, all anxious to make the most money in the least time, so as to return to their own country. Suppose the compensation offered to be calculated on the Oude scale,—viz. pensions only after twenty-five years' service, *i. e.* to men who would probably, if not certainly, be past forty-three years of age, and then only one-fourth of previous emoluments, increasing to one-half for thirty-five years' service, *i. e.* for men who would in all likelihood be past fifty-three. Suppose nine months' pay the only compensation allowed to servants of from twenty to twenty-five years' standing, or say of from thirty-eight to forty-three years of age; three months, to those of from seven to fifteen years' standing, or say of from twenty-five to thirty-three years of age; nothing to be given below that term of service; and, to crown all, neither pension nor gratuity to be given to any person declining employment, apparently of any kind, offered to him under the new system; so that if a veteran Lord Chancellor were to decline serving as usher to the new French "Tribunal of First Instance," he would, by the letter of the new regulations, be debarred from all compensation. Would not every English stomach rise at such a piece of insolence? would not the whole country lift itself as one man to throw off the incubus of such an administration?

It is perfectly true that a large portion of the Oude misgovernment was to be attributed to the native officials. But there is distinct evidence that they were not all unworthy of office. Captain Orr, of the Oude frontier police, says of the Gondah district, that "the nominal nazim, or rather his naib, Suddun-Lall, who is the nazim de facto, . . . governs with extreme leniency; . . . and under his rule, the Gondah-Bharaich district is rapidly progressing in cultivation and prosperity."\* Not the slightest exception is enjoined by the Chief Commissioner's instructions to be made in cases such as these. Suddun-Lall of Gondah, for aught we know, may have been dismissed from the charge of a district which under him

\* Report, Jan. 9, 1855; Oude Blue-book, p. 69.

was "rapidly progressing in cultivation and prosperity," on the insulting gratuity of a few months' pay; and even that may have been withheld, if he has refused some subordinate office under some English boy Assistant-Commissioner.

But I forget. General Outram was, by the Minute, to have a "discretion in dealing with special cases;" a "discretion in giving such assurances, and holding out such advantages as (without imposing any undue burden on the State) would tend to reconcile the minds of influential persons in Oude to the intended transfer of the powers of government." \* How the General understood this part of his instructions may be best judged by his own Report to the Secretary to Government (Feb. 7, 1857), in which he says, "His Lordship in Council will have gathered from the translation of the Conference which I held with the Queen Mother, that I promised that lady an annual stipend of one lakh of rupees, provided that the King would accept the treaty." † In other words, he tried to bribe a mother with £10,000 a year to procure her son's abdication. The Mussulman lady spurned the offer. But on the personal grievances of the Oude princes I cannot, I must not, dwell.

To revolutionize the whole administration of Oude, with the most trumpery provisions for compensation to existing officials, and a latitude of bribery here and there to some influential personage, was therefore the first effect of the instructions to the Chief Commissioner. That a mass of discontent was thus at once created, follows of necessity. Still, as the mere officials were probably the most unpopular class in Oude, this danger might have been overcome, if the interests of the bulk of the population had been wisely dealt with. The feelings of the people need not have been touched to the quick, if the English had not meddled with the land.

I enter here upon the most difficult part of the subject. It is one of which the Government, at the date of the annexation, were confessedly ignorant. For fifty-five years that the English Government had been by treaty the protector of the Oude people, it never seems to have occurred to any English

\* Oude Blue-book, p. 278.

† Ibid. p. 291.

official, that, with a view to the effective exercise of that protection, an accurate knowledge of the landed tenures of the country was indispensable. The Government had nothing but beliefs on the subject. "The tenures in land, the distinctive characteristics of proprietary village communities, are *believed* to be identical with those in the North-western Provinces," \* writes the Secretary to Government to the Chief Commissioner. "*There is therefore every reason to believe, and none to doubt,*" —so, with exquisite *aplomb*, he goes on to say,—“that the system of administration as modified for the Punjab, and divested of all those forms and technicalities which delay justice, and are specially distasteful to a people unaccustomed to technical litigation, *will be acceptable to the people of Oude.*” Alas for the jaunty confidence of the Secretary to Government ! the heroic garrison of Lucknow have had some “reason to doubt” the acceptableness of the Punjab system to the people of Oude, if *he* has yet seen none !

I have expressed elsewhere† my admiration for the so-called Indian village system,—that system according to which each village community forms an organic body in itself,—a tiny republic, self-governed, self-supported. I rejoice as much as any man can do over its recognition—too tardy indeed—in the North-West, over the attempts since made to extend that recognition over other districts. I have no quarrel with the Punjab administration. I believe it to be the best in India, precisely because it is unlike others. What I am astounded at is to see *any* form of government, as such, suddenly thrust upon a kingdom of five millions of souls, in the very act of annexation, on the ground of a mere belief in identity of tenures, and without any doubt of its acceptableness. When, in the history of mankind, were empires won or maintained by such rash empiricism ?‡

\* Oude Blue-book, p. 262.

† British India, its Races and its History, vol. i. pp. 61 et seq.

‡ Some hints as to the tenures of Oude may however be gleaned from the Blue-book. In General Outram's Report of February 6, 1855, under the head of “Revenue and Finance” (Blue-book, p. 19), he states that “the territorial revenues of Oude are derived from four sources :—1. The Khalsa, or Crown estates ; 2. Huzoor Tehseel, wherein the landholders pay direct to Government ; 3. Dis-

Now the State of Oude appears to have been peculiar in many respects. The impression produced on my mind by the Oude Blue-book is, that at the date of annexation it reproduced in miniature, to a great extent, the aspect of the Mogul Empire when the British power sprang up in India,—a feeble central authority, the local officers of which were rising on all sides to independence. But the remarkable feature in Oude, as I have endeavoured to show before, is the existence of the great Hindoo talookdars as feudatories of the Mussulman sovereigns. As “Anglo-Indian,” the ‘Daily News’ correspondent, most justly observes, “We should have discriminated, and with great nicety too,” between these recognized Hindoo feudal chiefs and the “mere hereditary zemindar or collector of revenue, such as were created by the Mahomedan kings of Delhi, and whom we found in Bengal and in our North-western Provinces.” The village system is not destroyed by the existence of these feudatories; it simply lies behind them. But they are tenacious of their rights; it is the Rajpoot adage, that he takes and gives life for one finger’s breadth of land. Now it is these men—claiming their authority by immemorial exercise—whom General Outram was instructed to sweep away as it were from all immediate consideration. I do not exaggerate: “It must be borne in mind,” say the Instructions, “as a leading principle, that the desire and intention of the Government is to deal with the actual *occupants* of the soil, that is, with village zemindars, or with the proprietary coparcenaries, which are believed to exist in Oude, and *not to suffer the interposition of middlemen, as talookdars*, farmers of the revenue, and suchlike. The claims of these, if they have any tenable claims, may be more conveniently considered at a future period,” etc.\*

Conceive a Government in this country, on the introduction of a bran-new Continental administrative system, instructing its officers to ignore all rights of property beyond those of

tricts comprising the estates of talookdars and zemindars, the revenues of which are held in *izarah*, or under contract; 4. Districts, similarly composed, held under *amanee*, or trust management.”

\* Oude Blue-book, p. 260.



"the actual occupants of the soil," and not to suffer any interference by the Duke of Devonshire or the Duke of Bedford, Lord Westminster or Lord Portman, or any other such "middlemen," whose claims might be "more conveniently considered at a future period"! Surely the wildest Irish Tenant-right Bill never came near to the agrarian revolution thus attempted in Oude by Lord Dalhousie's government. Such a revolution might seem indeed likely to conciliate the "actual occupants." The Calcutta Council flung away even this advantage. The revenue settlement was expressly directed to be made, as I have said before, "*without any recognition*, either formal or indirect," of the "*proprietary right*" of parties in possession, and for three years only at the first. Thus the "proprietary coparcenaries," as the Instructions call them,—bodies whose rights are as immemorial as those of the great feudatories themselves,—appeared, even if they were not meant to be, as directly threatened as the great feudatories themselves. And when we recollect that these great feudatories would often be only heads of clans ruling over their clansmen and their dependants, we shall see at once that, even without this special cause of disquietude to the hereditary occupiers, the blow struck at the talookdars, instead of conciliating the people, would raise whole clans, by the violation of the rights of their chiefs.

Add to this, lastly, the pressure of that expedient for raising revenue which has proved so galling in India wherever it has been tried,—the inquiry into and resumption of rent-free lands. The Instructions directed "that all grants of land or money shall be confirmed in conformity to the actual terms of the sunnud, *if the authority of the grantor, and the authenticity of the grant, shall be established by proof.*"\* But in the most positive cases of exemption, this is a matter which cannot be so established. The hereditary boast of many of these rent-free landholders is, that their holding is immemorial, antecedent to any grant which may be alleged. They claim, not by grant, but by prescription. Their rights are simply notorious. I can conceive nothing more likely to have stung a

\* Oude Blue-book, p. 266.

Rajpoot's pride to the quick than to ask him for proof of a title, beside which that of the Great Mogul himself would be a thing of yesterday. And let it be observed, that the only grants to be accepted as valid were to be those of the Viziers and Kings of Oude, and that, in default of such, the possession was only to be continued "for the lives of the incumbent occupants."\*

Thus, with success unexampled, we ended by uniting every class of the Oude population against us. The Government *employés* were alienated by contemptuous displacement and contemptible compensations. The Mussulman population—probably greatest in the capital and chief towns—naturally felt sorely galled by the extinction of the last Mussulman kingdom of India. The great men of the provinces—Mussulmen or Hindoos, zemindars or talookdars—were incensed by the absolute ignoring of their position and jurisdiction. Rent-free holders were alarmed by requiring of them proofs of exemption, difficult to be produced, in exact proportion to the ripened length of their titles. The smallest occupying landowner was disquieted by short settlements made without recognition, direct or indirect, of his proprietary right.

Now the most remarkable thing is, that what we did, we had been distinctly warned against doing, twenty-two years before. Frederick Shore foresaw that Oude *would* be annexed. Wishing to take time by the forelock, he occupied himself beforehand with the question of how it should be governed. He wrote as follows:—

"In the first place, I hope we shall avoid the mistake we have hitherto made for many years, on our acquisition of different portions of territory. *No sooner have we taken possession, than, at one blow, we have annihilated every existing establishment, whether for the administration of the revenue, or of civil or criminal justice; we have pronounced the natives, in the mass, to be corrupt and incapable, and dismissed them all from their situations, however respectable and however well qualified they might be to discharge the duties of them with fidelity and efficiency. . . . Our next step has been to raise the taxes to a much greater height than was ever done by their own governments,—the large landholders who possessed establishments of servants, elephants, and*

\* Oude Blue-book, p. 266

horses, being especially marked for plunder ; *and this course has been persevered in until we have succeeded in reducing almost all the landed proprietors* (those only escaping who had the means to bribe, or who were connected with the native officers of our establishment) *to a happy equality of pauperism. . . .*

“ . . . We shall find it a much more difficult matter to introduce the system above described into Oude than we did in the neighbouring districts. In these, the levelling system and extra taxation at every settlement have come more gradually upon the people ; but those of Oude have witnessed not only the progressive operation, but the result also ; and they plainly perceive that our subjects are much poorer than themselves. *It would require a considerable military force to introduce the English revenue-screw into Oude, most especially if it be accompanied with the discharge of every respectable native from employment.*” . . .

Five English functionaries, he considered, would be sufficient for the country, with perhaps one English magistrate at Lucknow. The revenue settlement should be for *twenty* years, “ with each village, or with the rich talookdars or landholders. . . . *Instead of turning all the large talookdars or landholders out of their estates, our object should be to uphold them as much as possible.*” “ It would be a noble opportunity,” he thought, “ by proper selection of British functionaries to carry the system into effect, of showing what may be done by native management, and how much more cheaply we might govern India than we have hitherto contrived to do.”\*

Let any one place this plan beside that of Lord Dalhousie, with its administration in which the only opening for native employment begins with the “ extra Assistants,” coming after the Judicial and Financial Commissioners, the four Commissioners of Divisions, the twelve Deputy-Commissioners, and the eighteen Assistant Commissioners,—with its three years’ village settlement,—with its express exclusion of the claims of talookdars ; and then let him say whether the curse of the Oude war has come upon us causeless.†

\* Notes on Indian Affairs, vol. ii. pp. 280–9.

† The choice of officers to carry out the annexation appears also in some instances to have been unfortunate, as I have both heard, and also read in a privately printed letter from India.

## VII. NATURE OF THE PRESENT STRUGGLE, AND HOW IT MIGHT BE STOPPED.

And now perhaps we see how, when the greased cartridges affair had kindled the first spark, the whole of Oude easily blazed into rebellion ; how, in that country, of which it has been recorded (by Colonel Sleeman) that "in no part of India" was a European gentleman "received among the people of all classes with more of kindness and courtesy than in Oude," the garrison of Lucknow should have been beleaguered for so many months by crowds thirsting for the blood of every man, woman, and child within the Residency.

The condition of the country is most favourable for resistance. "There are," wrote Colonel Sleeman in 1849, "at this time in Oude, 246 forts or strongholds, mounted with 476 pieces of cannon, all held by landholders of the first class, chiefly Rajpoots."\* Around these strongholds the land has been converted into jungles, "some of them extending over spaces from ten to twenty miles long by from four to eight miles wide."† The newspaper correspondents tell us now‡ that there are 400 fortresses in Oude, not one of which has been dismantled since the occupation. And though they may sometimes affect to say that it is only the robber chiefs and armed populace of Oude that are against us, whenever we meet with a writer who appears to know anything or to have made any real inquiry into the state of things, we find evidence to the contrary. Thus "Civilian," whose before-quoted letter to the 'Times' is dated "Allahabad, Nov. 1,"§ after saying that the "general result" of the Oude settlement has been "to oust the talookdars and make direct village settlements," shows how, on the upset of our Government, "the talookdars almost immediately resumed what they considered to be their own again, and *seem to have met with popular*

\* Oude Blue-book, p. 157.

‡ Times, Dec. 14, 1847.

† Ibid. p. 161.

§ Ibid., Dec. 15, 1857.

*support.*" What the nature of that support is, stands vividly forth in a letter from Cawnpore, dated as far back as August 22nd, and which will be found in the 'Overland Bombay Times':—

"The whole kingdom of Oude," says the writer, "seems to be in arms against us; *every village is fortified, loop-holed, and barricaded. These villagers fight with the desperation of fanatics*; in fact, they have cost us more men than we have lost in charging the batteries of the enemy. Round shot make but little impression upon these mud buildings; even twenty-four pound shot only pass through and leave the hole. There is no alternative but to enter them with the bayonet. But at what a fearful sacrifice! Every door is barricaded, and every part of the building loop-holed; the consequences are, that our men are shot like game, without a chance of hitting scarcely any of them. In the long-run they are entered, but at the loss of twenty or fifty men. Such was a part of each of our fights in Oude, with the exception of the last."

And the fact that for months the Lucknow garrison could find no one willing to convey a scrap of writing to Cawnpore, as I have seen it observed, proves sufficiently how thoroughly hostile has been the feeling of the people,—even though, under the influence of a milder spirit on our part, it may possibly now be somewhat less so. I am indeed inclined to believe, from the evidence of the Blue-books, that, so far from the great landholders having been the first to rise against us, they only followed the general population. I cannot otherwise account for the fact, that, while Delhi was still the centre of the military revolt, whilst Sir Henry Lawrence was yet alive, the Government narrator of events wrote,—"*The whole of the outposts of Oude having been lost, the mutineers were gradually closing in upon Lucknow. . . . Lucknow and its vicinity, the only portion of Oude in which British authority is paramount.*" \*

The Court of Directors, in their despatch of the 21st November, 1855, declared expressly † that the "benefit" of the people of Oude was "*the sole motive as well as the sole justification*" of the then proposed annexation. They wrote

\* Further Papers relative to the Mutinies in the East Indies, p. 4.

† Oude Blue-book, p. 234.

again after the measure had been carried out,—“As it is *our first duty to render the introduction of our government a blessing to our new subjects*, so it is *our first wish that this duty may be so effectually performed that there shall henceforth be no conflict of opinion regarding the beneficent results of the peaceful revolution* by which the kingdom of Oude has been converted into a province of the British Empire in the East.”\*

Shall we deliberately falsify these solemn protestations by forcing our rule on the people of Oude at the bayonet's point? Shall we put forth the whole strength of England to support the confiscation of immemorial rights, the contempt of vested interests, of ancestral customs and privileges?—to break up, one by one, all the elements of national life (barbarous it may be, yet evidently vigorous still) which exist among five millions of people?—the feudal clan, with the warrior's loyalty to his hereditary chief which it begets,—the fortified village, the little republic of cultivators armed in defence of their own freedom? That these things must gradually disappear before advancing civilization, who can doubt? but why should we, in a wrongful cause, waste blood and money to annihilate them before the time? why should we seek to crush that “fine manly race,” as Sir J. Dorin calls them, from whom we have drawn “almost the flower of the Bengal army”? †

And have we counted the price of doing so? I am no financier; but I see clearly that it must be years before the anticipated “surplus” from Oude revenues can equal the cost of its reconquest. I am no soldier; but I hear it said on all sides, I see it stated in the newspapers, that the extraordinary efforts made by the country to send out 50,000 men to India in the course of the present year must be wholly insufficient yet for the reconquest of Oude,—that the Commander-in-Chief cannot dispose of more than 15,000 effective Europeans,—that it may require a year

\* Copy of Letter of December 10, 1856, ordered by the House of Commons to be printed, February 5, 1857.

† Blue-book, p. 192.

before the operation is completed. Meanwhile the advance of Jung Bahadoor,—a man, notwithstanding his energy and ability, stained it is said with every vice,—shows clearly that we do not consider ourselves equal to the task of reconquest alone. Speculation is rife as to the price of his aid; it appears but little likely that he will afford it without being paid with at least a cession of territory. Shall we divide Oude with him? After annexing the country under pretence of rescuing it, not from the active tyranny, but from the selfish incapacity of its own sovereigns, shall we sell a portion of it to a merciless foreigner, and repeat the Rohilla bargain of a Warren Hastings? Nor is there even any glory to be anticipated from the operations which we have to carry on. The battles, properly so called, of the Indian revolt must be at an end. All the large bodies of disciplined men which we could meet as foemen in the open field, have been broken up. Lucknow has been half won already. The weary subduing of fort after fort, of village after village, the obscure encountering of undisciplined resistance, the desperate self-sacrifice of scattered handfuls of Rajpoots, such is what we have to look forward to henceforth.

Surely it would be wiser, nobler, more English, more Christian, to acknowledge past mistakes, to recognize present facts, to deal directly with a people in arms under its hereditary chiefs. These men have a right to their own land, as we have to ours. They have shown that they can claim that right sword in hand. As we value our own country and the glorious name of freedom, let us not wrest theirs from them.

Once more, let it be clearly understood that I am not advocating a restoration of the late King of Oude. However unjustly on our part I may deem him to have been deposed, I see no symptom on the part of the Oude people of a desire for his return. If indeed they should want a Mussulman puppet-king, by all means let them have him, and pay for him. But the reverse seems likely to be the case. The state of things at present in Oude seems precisely that which it is our best policy to favour. A “Hindoo confe-

deracy," as the "Civilian" calls it, substituting itself for the rule of the fanatical Moslem, is a most hopeful sign for the future. The late period of its formation, the long hesitation of Man Singh to rebel, in spite of his grievances, show how instinctively these chiefs felt that they were our natural allies. Indian officers who know the Rajpoot character best believe that even now it would only require the assurance of justice, conveyed by a few men really conversant with the language and feelings of these men, and not only with those of wild Boondelas or wily Mahrattas,—to pacify Oude, to induce the chiefs to accept British supremacy; although, if we persist in forcing upon them our rule, our revenue settlements, our estate-sales, our inquiries into rent-free titles, they may shed the last drop of their blood to resist us.

It may be said, indeed, that to treat with the Oude chiefs is to encourage revolt elsewhere. But surely there is a vast difference between the case of Oude and that of our older territories. You cannot reasonably place a country, in arms within eighteen months after its annexation, on the same footing as one revolting after even ten or twelve years of peaceful occupation. Whatever may have been our original title to Oude, prescription has certainly not yet run in our favour. Nor are there even the elements of such resistance in our older territories which we meet with in Oude. It is because there the framework of old Hindoo society has remained to a great degree unimpaired, that we find a *national* insurrection. And the circumstances of the annexation make the distinction still wider. He who enters a country by the mere right of the strongest may be expected to maintain himself by that right; but he who enters it under colour of treaty, professedly for the sole benefit of its inhabitants, cannot trust to force alone as a colour for his subsequent possession of it against the will of those inhabitants. As well might the man who takes my bundle to ease me on the way, be justified in knocking me down and keeping it when I seek it back of him. The men of Oude, if we are honest enough to face realities, have as clear a right to resist us by force of arms as Switzer-



land or Piedmont would have to resist Louis Napoleon, were he, Dalhousie-like, to attempt the annexation of either on the ground of internal misgovernment. How can we ever complain of either usurpation, if attempted, when we shall have crushed Oude under our heel? What sympathy can we justly bestow on Lombardy, on Poland, whilst in India we are following the example of their foreign oppressors? Nay, what respect can we claim for any existing order of society, what barrier can we honestly oppose to revolution, when, after revolutionizing, as I have shown, the whole internal state of Oude, we enforce our revolutionism by arms? The Oude insurrection, if we view it candidly, is really a *conservative* proceeding,—an attempt to defend old usages, old rights, old privileges, against foreign innovation. Or again, what is the meaning of our talk about the evangelization of India, whilst we are pursuing the reconquest of Oude? What will be the value of Christ's gospel to the Oude people at our hands, when the missionary comes only in the wake of the conqueror? How can they believe in a "law of liberty" which is proclaimed to them amidst the annihilation of their national life? How can they recognize a God of truth, when He is set forth to them by men who are cramming down their throats by sheer force what they feel to be a lie?\*

But Oude, if left alone, must become a mere refuge of criminals, a den of robbers. I greatly doubt the fact; but what if it did? A greater statesman than Lord Dalhousie, Mount-stuart Elphinstone, has assigned this as one of the very reasons why we should "preserve the allied Governments," and "keep up the number of independent Powers." "Their

\* The need of introducing Christianity into Oude I feel most strongly. "The Oude Brahmins," I read in a private letter from an Indian officer, "are known by other Brahmins for their attachment to and study of the mystic rites of Bhavaneer or Kalee. These rites are held in abhorrence by Deekan Brahmins; they call them fearful and unholy, and those among them who have a knowledge of them are held in dread by the rest" If we make Christianity abhorrent to the men of Oude by our unjust subversion of their nationality, we shall only give greater power to this Devil-worship over their minds. Precisely because I long to see Christ's gospel triumph over it, I pray God that gospel may not have to be presented to them reeking as it were with the injustice of our policy.

territories," he says, "afford a refuge to all those whose habits of war, intrigue, or depredation make them incapable of remaining quiet in ours; and the contrast of our government has a favourable effect on our subjects." If internal anarchy did rise eventually to its height, what worse would happen than that, in another quarter-century perhaps, the coveted fruit would drop of itself, full-ripe, into our mouth?

But the tide of affairs has already turned in our favour; the villagers are bringing in supplies to Sir James Outram, the zemindars sending to him the silver fish, the token of their submission. I rejoice to hear it. The five millions of Oude have no chance against the British power, when once put forth; and the sooner they accept that fact the better. But the more willing they are to treat, the more easy must it be to treat with them. Their submission can only make our duty plainer, by putting out of the way any point of honour about not seeming to give in. An obstinate fellow who has once floundered into a quarrel may fight it out rather than apologize, though he feel himself to be in the wrong; but if he have a spark of generosity in him, he will make amends to his opponent the moment he has him down, though, if he be himself twice the weight, I do not think any one will think the better of him for waiting till then. If we *are* in the wrong, as I believe, we can get no credit by fighting it out with these Rajpoots, whether they be obstinate or placable.

Does not the Afghanistan war afford us an apt lesson? We invaded the country in our folly; we withdrew from it in our wisdom. We suffered ourselves to be taught by disaster who was the fittest ruler of the Afghans; we restored a dethroned prisoner, and made of him a stanch ally. And thus it is that notwithstanding Ghuznee and Cabool, Jellalabad and Candahar, Afghans have enlisted under our standard in the hour of need, and have helped us to destroy the last vestige of the great Mussulman Empire of Delhi. Let the men of empty brains and seared consciences talk loudly about England's honour being engaged in not receding from the work of reconquest. The wisest man will always be he

who, having committed a blunder, seeks to make up for it as soon as possible after finding it out; and the next best thing to doing right is the undoing of whatever one has done wrong.

All we need surely is,—security for our own frontier, security for our own subjects in Oude, and (so far as we can make the demand henceforth without shame) security for some stable and moderately good government in the country. All this we shall be far better able to obtain by treating directly with the warlike Hindoo chiefs who have now the real power in their hands, than we have been hitherto in dealing with an effete and do-nothing royal race of Mussulmans. Of course the chiefs must give up Nana Sahib and all other notorious offenders; and I shall be much mistaken if they are not too glad to get rid of them. The frontier police must be provided for, a few forts may probably be claimed as pledges of good behaviour, and, if thought fit, the glorious Residency of Lucknow might be declared British ground for ever; the custody of the Cawnpore Road would, however, then need to remain with us. As respects the Royal Family of Oude, supposing their people not to desire their return, their case, when thus rejected by the people, would become that of private individuals; and a Select Committee of either House would then be the fittest tribunal to decide what compensation they are justly entitled to.\*

I throw out these hints, merely as a sample of how the matter might possibly be dealt with, feeling sure, with the old adage, that “where there is a will there is a way.” But there is one last point which must not be overlooked.

This is not the time, if anyhow it can be helped, to waste our national strength in distant wars. Our anti-slave-trade treaties with France may not be sufficient legally to stop the hardly disguised man-stealing of the Régis system; but

\* Nothing can be more mischievous than to have thrown these Mussulman princes into contact with the present ruler of France. So long as they are resident in Paris, what “manceuvres” and “intelligences” (to use the Napoleonic jargon) may they not practise to our prejudice with the disaffected of India!

who can believe that Lord Palmerston, to whose energy the bulk of our slave-trade suppression treaties are due, would have endured such tampering with them as has taken place, if he had been in a condition to arrest it? Our criminal law may or may not be sufficient to reach conspiracies to murder persons out of the Queen's peace; it may or may not be expedient to alter it so as to include such offences. But can any reasonable man doubt that, had we still at hand the unrivalled fleet, the unrivalled army, of later Crimean days, neither would the French Government, amidst the yells of tolerated defiance of its colonels, have dared to press upon us such an alteration, nor would English Ministers have deferred in unseemly haste to their demand. We may boast as we please of the activity of our recruiting efforts (the success of which, however, the newly published Report on Army Mortality must tend to check); yet who that has seen in our streets the undergrown lads, scarcely fit for admittance to an adult night-school, whom the recruiting sergeant, by favour of the 5 feet 3 inches standard, now leads in his train, but will feel how near we must have reached to the outermost margin of our available human war-material? How many of these will ever see England again as ripened soldiers? Surely it is time in India to pacify, not to engage in new warfare. One distant war in China, with one-third of the human race, is already more than enough. The true honour of our country requires, not that we should impose by force the British rule on five millions of Hindoos whom we pretended to annex for their own good, simply because we were mistaken in doing so and are too proud to admit the blunder, but that we should be felt to be strong at home to repel every insult, to guard with jealous care the ark of European freedom committed to our trust, to deliberate with the coolest impartiality on every measure which may tend ever so slightly to curtail our glorious privilege, as the refuge from all political enmity or persecution. Let us "put our trust in God, and keep our powder dry;" let us not have, in the possible hour of need, to recall in hot haste our best troops, our one great general, from the other end of the world. That we may the better keep our

own land, let the men of Oude keep theirs. Fittingly, gracefully may the inauguration of the Queen's direct government be connected with the cessation of hostilities. Let the remembrance of our past blunders towards this unhappy people be blotted out with the *régime* itself which saw them committed. Let our Queen's name be blessed by Oude's rescued freemen, not cursed by Oude's conquered slaves.

THE END.





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TO  
LIEUT.-GENERAL SIR DE LACY EVANS,  
G.C.B., M.P., &c. &c.

THE FOLLOWING PAGES ARE

*Dedicated,*

IN THE HOPE THAT THEY MAY BE FOUND SERVICEABLE  
IN IMPARTING INFORMATION UPON THE IMPORTANT  
SUBJECT WHICH HE HAS SIGNIFIED HIS INTENTION OF  
BRINGING UNDER THE CONSIDERATION OF  
PARLIAMENT.



# TRANSMISSION OF TROOPS TO INDIA.

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## INTRODUCTION.

THE following Letters illustrative of the causes of the deficient promptitude in the transmission of troops to the seat of war in India, are reprinted for general information. There is not a man, woman, or child, in the whole country, who does not perceive that there has been a lamentable want of efficiency in our arrangements upon this head; and, instead of elaborate apologies for the existence of such inefficiency, what the nation wants is, that the fault shall be fully investigated and effectually corrected. England is essentially a commercial nation. If there is anything which her people understands better than another, it is how to move with cheapness and despatch large numbers of persons, and large quantities of cargo, from one part of the globe to another. When therefore such a duty is undertaken by the Government, there is a very wide circle of spectators able to judge whether it is well or ill performed, and it is vain to expect that such com-

petent judges can be deceived or satisfied by the weak platitudes or smart repartees of any minister, however adroit in the use of all the approved expedients of mystification. When people thoroughly understand the subject under dispute, the artifices of rhetoric wholly lose their force; and no amount of persuasion will induce men to believe that troops have been transmitted with the utmost possible expedition to those situations in India where their presence is so much required, when they know and feel that they themselves could have forwarded them much more expeditiously if they had had the task to perform.

Of all the causes, however, which have interfered with the rapid transmission of troops and stores to the seat of war, the most serious is that which is encountered in India itself, from the want of means of internal conveyance. It will be but of little avail that we put into requisition every other expedient to precipitate our reinforcements upon the coast of India with the least possible delay, if when we have them there we cannot carry them into the interior from the want of effectual means of internal communication. The reply of the East India Company to this obvious truth will no doubt be, that it has for some years past been devoting its attention to the construction of railways, which, when completed, will remedy the defect. But a moment's consideration is sufficient to show the hollowness and inadequacy of this apology. Admitting for the moment that railways will accomplish the objects anticipated, the very simple

question arises, when will they be so far advanced as to be of any sensible benefit in this particular? It is now ten or twelve years since the principal Indian railways were sanctioned, and what length of line is yet open for traffic? A reference to the map, which accompanies this pamphlet, will show that the length of railway at present completed is quite insignificant. The great rivers, however, are *made already*, and only require the introduction of suitable steam vessels upon them to become immediately great and effectual arteries of steam communication. Why, then, has the East India Company overlooked this valuable auxiliary for present purposes, even if it should be eventually superseded by the railways? This hypothetical supercession, however, can never occur. In a country like India, which may at any time become the theatre of internal commotion, it is not safe to trust to railways alone as the means of maintaining the communications open between the coast and the interior; for it is quite obvious that a railway may be temporarily disabled by the removal of some of the rails, and by the demolition of some of the viaducts. A railway under such circumstances is a less safe dependence than a common road. But the great rivers being incapable of being stopped, damaged, or extinguished, will afford means of uninterrupted communication, even under the worst contingencies which can arise; and their effectual navigation thereof must under all circumstances be a proper object of solicitude to the ruling power. It so happens, however, that the

very expedients of communication which are the safest reliance during war, are the most valuable expedients for advancing the peaceful purposes of commerce. The internal communication which it is necessary to maintain in India, to enable the produce of the interior to reach a port of shipment, is not that species of refined, rapid, and costly communication which it is the function of railways to maintain, but a communication of the cheapest possible character, and with a moderate rate of speed, such as the rivers, if navigated by suitable steam vessels, would at once afford.

Now, if these views are just—if it be the fact that, whether reference is made to the military or the commercial wants of India, the navigation of the rivers is the most exigent requirement of all the expedients of internal communication which has yet been presented—it is right that the public should know with whom rests the blame of having so long neglected or impeded this important improvement, and what reasons for this neglect or opposition can be assigned. Colonel Cotton, late chief engineer of Madras, and other engineers of eminence, have been urging upon the East India Company the importance of widely establishing steam navigation upon the rivers of India for many years. Colonel Cotton has proved, most conclusively, that water conveyance is cheaper than any possible mode of conveyance by land, and is therefore best adapted to the circumstances of India, where large quantities of commodities require to be carried through long distances at a

small expense. But some sinister influence has been at work to turn the current of the East India Company's patronage exclusively upon railways, and to discourage and impede the navigation of the rivers, which has been regarded as a species of antagonism to the railway interest. And what has been the result of this narrow and unscrupulous policy? Spite of all Lord Ellenborough's warnings, when our troops arrived in India no effectual means of carrying them into the interior were available, and great delay, expense, and discomfort, have consequently been incurred. Nor is this the heaviest part of the evil; for it must be clear to every one, that if steam vessels of an effectual character had been widely established upon the Indian rivers some years ago—at which time the East India Company was pressed to establish them—means of escape would have been provided for the women and children who have been foully murdered; and upon those who resisted this measure of improvement, must therefore rest the odium and heavy moral responsibility of having been accessory to the shedding of this innocent blood.

The rivers of India, though shallow during the dry season, can be navigated to points far up into the interior, during every part of the year, by steam vessels of a light draught of water; and if those vessels are of a suitable construction, they will be able to carry large quantities of cargo. The portions of the rivers which are ascertained to be navigable throughout the year, are coloured blue in the map, and it will be seen that the

whole of the great rivers and their principal tributaries are navigable throughout nearly the whole of their length. Upon the Ganges, there are a few Government and other steamers plying between Calcutta and Allahabad, and there are also a few Government steamers upon the Indus, which ply between Kurrachee and Moultan. But these steam vessels are so inefficient in themselves, and so inadequate in their numbers, that the navigation by steam of these fine rivers is practically undeveloped, and no adequate facilities in the conveyance of troops or merchandise are afforded. It is only by bringing English science and energy to the accomplishment of the task, that the rivers of India can ever be navigated in an effectual and practically useful manner; and it is with the East India Company that the onus lies of bringing about this highly important result. The thing proper to be done is quite well known. It has often been pointed out, and its eminent importance demonstrated. Scarcely any movement, however, in the right direction has yet been made, and it remains to be seen whether a parliamentary investigation will not operate as a remedy against that passive resistance and supineness, which all other suasions have been unable to overcome.

There has been an erroneous impression generally entertained with regard to the overland route to India; many, both in that country and in England, having imagined that Government could have despatched at an earlier date, for the relief of India, a very large force



*viâ* Suez. But such parties evidently lost sight of the fact, that although any amount of troops might have been conveyed from England to Alexandria, yet the ordinary bi-monthly steam-packets, the only means then at our command, would have proved utterly inadequate to convey them from Suez to Calcutta. The Government of India having neglected to order steamers to proceed to Suez, in anticipation of such plan being adopted, and no electric telegraph being in operation, ninety days must necessarily have elapsed ere any arrangements could have been carried into effect, consequent on any such instructions from home. The mutiny was known in England about the 27th of June. The first steam vessel left Southampton on the 4th of July. Notification of the fact, that the home Government intended to avail themselves of the Suez route, could only have reached Calcutta by the middle of August. Steam vessels then despatched from Bombay and Calcutta would have had to perform the voyage to Suez, against the S.W. Monsoon, and also to return to India. This, irrespective of any lengthened detentions for coaling, &c., would occupy about ninety days; and before such period the troops despatched from England *viâ* the Cape of Good Hope, had commenced arriving at Point de Galle and Calcutta.

Small detachments of from 200 to 300 men could only have been forwarded by the bi-monthly steamers, or such numbers as could share the accommodation not only with the general passengers, but also with the

large body of military and civilians belonging to the East India Company, who, in consequence of the outbreak, were ordered to return with all despatch to the East.

Nothing can be more complete than the present arrangements with the Peninsular and Oriental Company. But this has taken time in its organisation, and clearly demonstrates the necessity of maturing our plans during peace, if we would place the country in an efficient position on the first outbreak of a war.

## LETTER I.

### THE TRANSPORT OF TROOPS TO INDIA.

IN a late debate in Parliament on the conveyance of troops to India, the First Lord of the Admiralty, Sir Charles Wood, is reported to have said, in reply to Admiral Sir Charles Napier, that he could not have been expected to keep in the Government depôts sufficient coal to meet any emergency like the present, and that all the Admiralty could be expected to do was to provide fuel for ordinary occasions. It is, however, demonstrative that such views must be erroneous, and they can never be entertained without resulting in the greatest possible injury to the public service; for to what purpose has this country entailed upon itself such a heavy public expenditure during peace, if all is to be rendered nugatory at the first outbreak of war, from the impossibility of putting into immediate motion our vast naval and mercantile steam fleets? The Parliamentary abstract, from the year 1842 to 1856 inclusive, informs us that no less a sum than 133,000,000*l.* has been voted to perfect our naval service, whilst from 800,000*l.* to 1,000,000*l.* annually has been granted during the same period, in subsidies, to establish in an efficient manner our great mercantile steam lines. But what immediate advantages did this country derive from such vast outlay in the late war with Russia? And what are we now likely to benefit from it in expediting our operations in India and China? With a Parliamentary list of 1,600

steamers of all sizes and horse-power, we were made painfully sensible of the fact, that we were obliged, in the late war with Russia, to despatch the *élite* of our cavalry and artillery by sailing vessels to Constantinople, and that the first 42 of these ships took 34 days to reach Malta, a distance of only 2,132 miles from England, and during that tedious voyage a large portion of the cavalry and artillery horses were rendered ineffective; whilst, at a later period, an entire regiment of cavalry, 400 strong, was conveyed in 12 days by steam, from England to Varna, a distance of 3,300 miles, without the loss of an animal, or even distress to the horses. That there was no lack of steamers for this service, all those acquainted with the facts of the case must be fully aware; but it was useless to engage them, there not being coal sufficient in the depôts on the route. Endless discussions have been raised as to the proper position in the vessel in which the horses should be placed, when it ought to have been known that speed through the water imparts steadiness to a vessel, and consequent ease and comfort to the animals.

Operations, however, conducted in the Mediterranean and the Black Sea, may be efficiently executed by a class of vessels that it would be idle to despatch from England to perform a rapid voyage to Calcutta. The distance of Constantinople from England is comprised in three easy stages—England to Gibraltar, 1,151 miles; Gibraltar to Malta, 981; and Malta to Constantinople, about 830; each station offering great facilities for rapid coaling. The case is far otherwise in a steam voyage to Calcutta; and from my own experience of steam navigation in those seas, I always predicted a total failure, in a mercantile point of view, in the efforts made to open a steam communication with India, *viâ* the Cape of Good Hope, by auxiliary screw-vessels, and the results have fully verified my worst anticipations. But for

military purposes, and by the employment of large and full-powered steamers, it is clear that, with efficient coaling establishments, the entire distance may readily be accomplished under 50 days. The distance from England to the Cape of Good Hope, *viâ* Sierra Leone, is 6,100 nautical miles. Sierra Leone being about midway, or about 3,000 miles from England, the mere steaming would easily be accomplished by the superior class of the Cunard and the Royal West India mail-steamers in 23 days. The Mauritius, the next stage, is 2,278 miles from the Cape, and Calcutta 3,200 miles from the Mauritius, making the total distance by this route 11,578 miles. There are now lying before me 93 of the outward and homeward voyages of the Cunard and Collins line of steam-boats, and I observe that  $11\frac{1}{4}$  knots per hour is the mean average speed obtained in the turbulent ocean of the North Atlantic. The distance from Liverpool to New York being about 3,000 miles, taking the same average speed as that accomplished by these boats it is evident that the mere steaming from England to Calcutta would be performed in 43 days. With well organised coaling establishments, and abundance of labour, such as can readily be obtained at Sierra Leone, Table Bay, and the Mauritius, 40 tons of fuel per hour may easily be taken on board. This gives in 24 hours 960 tons; therefore three days ought to suffice over the entire route for any detention caused by coaling, but seven days might be spared for that purpose, and yet the passage be secured in 50 days.

Sir Charles Wood is reported to have stated in the same debate, that the mean average speed of the four best steamers employed in the postal service from England to Calcutta was 104 days, whilst the sailing vessels at this time of the year accomplished the voyage in 95 days. It would have been more conclusive had Sir C. Wood produced to the House of Commons the

mean average speed of all the General Screw Steam Company's vessels between England and Calcutta, for ten vessels were, I believe, employed on that service for a period of two years; and there would have been no difficulty in supplying such data, as naval officers were invariably despatched in charge of the mails, and they must have forwarded to the Admiralty, in the ordinary routine of duty, letters of proceedings, which must be in the records of that office. Other members of the House of Commons objected to the data given by Sir Charles Wood, and stated the mean average speed of the sailing vessels to be 131 days, and that of the screw steamers 95 days; but this evidently must be an average deduced from all the sailing vessels, of whatever build, tonnage, or class of vessel, and not an average obtained from the voyages of large clipper sailing ships, which class of vessel should be alone selected by the East India Company for the conveyance of the troops to India when sailing vessels are employed.

During a discussion in the Institution of Civil Engineers, some three or four years since, it was admitted that, from the increased size of sailing vessels on these lengthened voyages, apart from any other consideration, increased speed had been obtained—the smallest vessels taking 133 days from Liverpool to Australia, the larger 90 days—a saving due to increased size of 43 days. Were a large full-powered steamer of 3,000 tons burthen to convey 1,500 officers and men of the Queen's army for service in India, and to accomplish the voyage in 50 days, there would be a saving in time over the sailing vessels, as shown by Sir Charles Wood, of 45 days, and over the auxiliary screw steamers of 54 days. If, for simplicity's sake, we take 2s. as the cost of the pay and provisions for the maintenance of each of these 1,500 persons each day, we have a charge of 150l. a-day as the loss to the East India Company for every twenty-four

hours they are detained at sea ; the Company actually paying that sum, or even more, for the services of troops that are thus rendered useless to either Government.

|                                                         |        |
|---------------------------------------------------------|--------|
| Forty-five days saved over the sailing vessels . . .    | £6,750 |
| Fifty-four days saved over the auxiliary screw steamers | 8,100  |

an amount about equal to defray the entire cost of the fuel for the voyage. But a further saving is shown on the amount paid for freight by a comparison of vessels of 3,000 tons burdens : —

|                                                             |         |
|-------------------------------------------------------------|---------|
| Sailing vessel at the rate of 30s. a ton per month, and for |         |
| 95 days . . . . .                                           | £14,250 |
| Auxiliary screw steamer at 50s. a ton per month, for        |         |
| 104 days . . . . .                                          | 26,000  |
| Full-powered Cunard steamer, 50s. a ton per month, for      |         |
| 50 days . . . . .                                           | 12,500  |

The data for the above computations are taken from the price paid for the sailing and steam transports during the late Russian war. This argument is confined to the discussion of the route to India ; but the value of Sierra Leone, Table Bay, and the Mauritius, as coaling depôts for the route to China, is equally apparent. The Mauritius ought to be considered as the great pivot of all our operations in the Indian and China Seas.

Expending enormous sums for the maintenance of a naval and mercantile steam fleet, and yet neglecting to organise efficient coaling establishments, can be likened only to the folly of a man who should order a valuable gold watch with jewelled holes, and yet demur to the cost for the main-spring required to give life to the whole.

If our vast empire of India is saved to this country, it must be apparent to the most superficial observer how little we owe to our own foresight, and how much to Providence. It was but the fortunate conclusion of the Persian war that enabled a regiment of British troops

to arrive at Calcutta within three weeks after the outbreak in India, and the opportune arrival of our forces intended for China at Singapore, which enabled them to be diverted for the same object. A late writer in the *Times* says —“ What would the nation give at the present critical moment to bring India 1,000 miles nearer this country! ” and yet it must be evident to any person the least conversant with steam navigation, that there has been no period during the last six years that we might not have brought it, for all military purposes, at once 5,000 miles nearer.

The entire absence of all organisation of coal depôts, and the utter neglect to provide suitable vessels for the navigation of those distant seas, has for years been painfully apparent. A continued neglect to reduce to a system our means of communication may yet lead to more fearful disasters, should ever concurring interests unite the forces of France and America in arms against this country. Whether this union for a common object may ever occur, I do not attempt to predict; we have but lately, however, brought to a close a great war with Russia, which was neither foreseen nor provided for. It has been said that “ England is at present in conflict with the Eastern world. From Aden to Hong Kong the British flag has been unfurled, and at various spots throughout this great section of the globe the inhabitants of these little islands are actually engaged in hostilities with well-nigh one-half of the human race.” With this state of things, equally unforeseen and unprovided for, surely it will be but an act of common prudence to organise, whilst we have yet time, great military lines of communication between England and her distant settlements.

JOHN COCHRANE ROSEASON,  
COMMANDER, R.N.



## LETTER II.

## THE TRANSPORT OF TROOPS TO INDIA.

IN the debate on the military preparations for India, Sir De Lacy Evans is reported to have directed the attention of the government to a plan, identical with that published by me for the transport of troops to India. The gallant general is reported to have said: "He understood from the best informed authorities, that coaling stations ought to be established at Sierra Leone, the Cape of Good Hope, and the Mauritius, each of which were about 3,000 miles asunder," and added, that "if government adopted such route, they would practically shorten the distance between England and India some 3,000 or 4,000 miles." I am therefore induced further to direct the attention of the public to a few more facts, not generally known or appreciated; for, having run over the entire route to India and China in command of one of her Majesty's steamers, and having carried out an elaborate series of experiments in those seas, over a distance extending to 50,000 or 60,000 miles, I am enabled to speak with a confidence confirmed by experience.

You will have observed that for the line proposed, I named vessels of about 3,000 tons burthen, such as are to be found already constructed and running in the Cunard and Royal West India Mail Service, so that immediately on the coaling establishments being organised, which they ought to be in a few weeks, the proper vessels could be selected, and placed upon the line.

Larger vessels are relatively cheaper than smaller vessels to the government, for one vessel of 3,000 tons burthen will carry more, and run faster, *cæteris paribus*, than any two vessels of 1,500 tons burthen; but I must not be supposed to infer that vessels of half the tonnage proposed could not be employed with advantage upon the lines should there be a deficiency of those best adapted for the route, though care must be taken to select such vessels as are equal to maintain a high average speed while steaming against the south-east winds, which are nearly certain to be encountered as the steamer approaches the Cape of Good Hope.

It is evident that the less number of coaling depots required the more rapid will be the voyage, for there will be less time lost by detention. The stations pointed out are about 3,000 nautical miles distant from each other, or the same distance so punctually performed by the Cunard boats running between Liverpool and New York. You will have observed that no allowance was made for the increased speed of these boats when placed on the route to India, although the least informed must be aware of the fact, that whilst the North Atlantic is the most turbulent ocean in the world, the route proposed *viâ* Sierra Leone, along the coast of Africa to the Cape of Good Hope, is about the smoothest and finest one that can be selected for a steamer.

With respect to the coaling arrangements necessary to expedite the voyage, it will be observed that all the coaling stations named are on our own territories, and therefore subject to our immediate control—an important feature during war; and that the population of these places is sufficiently dense to admit of an ample command of labour. This is a point of the greatest importance to keep in view in the selection of a coaling station; for no steamer's crew is large enough to furnish working parties to coal a vessel at the rate of 40 tons

an hour for twenty-four consecutive hours. It is the abundance of labour obtainable at Malta, and at the several coaling stations belonging to the Peninsular and Oriental Company, over the entire route to India and China, that enables them to take on board four and five hundred tons of fuel in a single night; and it is the same admirable arrangements and facilities at Jamaica which enable the large American steamers, running between New York and the Isthmus of Panama, to coal with equal despatch. To organise efficient coaling establishments is of the utmost importance, for we lose all the advantages to be derived from a steam communication if we waste time in port; and the organisation of such establishments can be effected at small cost to the country. A steam transport conveying troops need never be in want of labour for hoisting the fuel into the vessel, for the captain ought to be authorised to pay the men for such services. It must not be lost sight of that liberality in this respect is sound economy, for I proved in my last letter that every twenty-four hours' detention in harbour of a vessel of 3,000 tons burthen will be a loss to government, in pay and provisions to the men, and freight for the hire of the steamer, of 400%. Thus, irrespective of the value of time in the case of war, we here perceive the enormous sacrifice of money consequent on the neglect in the organisation of the coaling establishments.

It surely needs little demonstration to prove that there must be something radically wrong in our arrangements, if, after the expenditure of 133,000,000*l.* for naval estimates since 1842, and some ten millions to our great Mercantile Steam Companies, during the same period, we cannot convey so insignificant a force as 30,000 men, with the requisite munitions of war, in 50 days to Calcutta. Unfortunately this state of things

has long since been foreseen and foretold. During my two years' service in the Indian and China Seas, the supply of fuel was never adequate to the wants of our then small steam squadron. The government steamers were all trusting to inefficient and precarious supplies, borrowing or endeavouring to purchase fuel from the Indian government, the Peninsular and Oriental Company, and private parties, with no really effective organised depôts to be found in India or China. Since that period, viz., 1848 and 1849, our navy has become one vast steam fleet, without any consideration being evinced for the supply of fuel necessary to utilise their services.

If the East India Company find fuel for our government, as they have heretofore done at Bombay, Point de Galle, Madras, and Calcutta, we ought surely to provide coal for them at Sierra Leone, the Cape of Good Hope, the Mauritius, and Trincomalee; and for the China route at Singapore and Hong Kong. One staff and one organisation would suffice at each station, for the common benefit of both. I am now referring more particularly to our present emergencies for the war in India and China; but prudence and common foresight will dictate the adoption of one general system and organisation over every quarter of the globe. Professional experience is required in the selection of stations, and in apportioning the quantity of fuel to each depôt. Unfortunately, the war with Russia had no sooner terminated than all our difficulties and disasters were forgotten, and the dear-bought experience, which we purchased at an enormous sacrifice of life and money, was lost to the country.

Sir Charles Wood spoke with apparent satisfaction of the voyage of the "*Himalaya*," from England to the Cape of Good Hope, and seemed to congratulate the

country on the fact, that she had been beaten two days by the "Transit," — the latter taking forty-four days to reach the Cape of Good Hope, and the "Himalaya" forty-six. Surely it was no solid ground for satisfaction that for want of adequate coaling establishments and the adoption of a proper route, the steamer was made to lose twenty days of valuable time on her voyage to China. All the papers teemed with the performances of this steamer during the Russian war. She accomplished the voyage from England to Varna in twelve days, with an entire regiment of cavalry on board, landing them in the highest state and condition, and during the war she conveyed upwards of 2,000 souls in a single trip. The distance from England to Varna is 3,300 miles, or more than one-half the distance of England from the Cape of Good Hope; therefore, taking her own performances on a previous occasion as our guide, it is clear that she ought to have reached the Cape in twenty-six days with ease, allowing even two days for coaling at Sierra Leone.

Sir Charles Wood must have been totally misinformed, when he led the House of Commons to imagine that the present was a favourable time to despatch sailing vessels to India and China. Had he consulted Wise's admirable analysis of one hundred voyages of the East India Company's ships to and from India and China, he would have discovered that it was not then usual to despatch vessels from England in July and August; and apparently for the very simple reason, that the trade-winds and monsoons are not favourable for a rapid voyage in that period of the year. A table is also given, showing the average number of days occupied by the Honourable Company's ships in performing passages to and from the principal ports in India, during the different periods of the monsoons,

constructed from fifty journals, and extracted from Horsburg's Directory, where it is stated that the north-east monsoon commences in October, about the very period that vessels despatched from England in July and August will arrive in the Indian Seas, and find the monsoon against them both in the Bay of Bengal and on the voyage from Singapore to Hong Kong. It is therefore most important that directions should be sent *via* Suez, to increase our coaling establishments at Trincomalee, and that the officer in command of the steam squadron in those seas, should despatch suitable vessels to cruise in the entrance of the Bay of Bengal, or even as far as the equator, to tow up the sailing vessels becalmed or baffled by light winds. Early in October, the north-east monsoon is very light, and to economise fuel a steamer might tow a large clipper-built vessel, even on two out of her four boilers, at the rate of seven knots an hour. I observe, by reference to my journal, that on the 30th September, 1848, I towed her Majesty's brig "Ring-dove" out of the harbour of Trincomalee, and well out to sea, at the rate of seven and a half to eight knots an hour, on two out of the four boilers. On October 1st, I sailed for Madras, with two companies of her Majesty's 25th regiment on board, and steamed on two boilers, using the fourth, fifth, and sixth steps of expansion, and thus obtaining ten miles for every ton of coals. Early on the 3rd of October, we anchored in Madras Roads. On the breaking out of the Punjaub war, I again left Madras on the 17th October, with a light monsoon against us; towed the "Claudine," a heavy teak-built merchant vessel, at the rate of eight and a half nautical miles an hour on four boilers, and beat, with this vessel in tow, the East India Company's steamer, "Fire Queen," twenty-seven hours, in a run of four days and a half. We experienced an adverse

current of from twenty-five to thirty-two miles a day, and spoke a small vessel in the Bay of Bengal that had been becalmed for three weeks. We landed the 28th Madras Native Infantry at Khyouk Phyou, and embarked the 40th Bengal Native Infantry, and sailed again with the "Claudine" in tow for Calcutta, towed her eight knots on three boilers, and anchored off Fort William on the 29th, having thus taken only twelve days, inclusive of detentions in port, to move 1,400 men and their baggage 1,400 miles. A native officer of the 28th informed me that he had been engaged in the last Burmah war, and that the sailing vessel in which he had been conveyed from Madras took six weeks to perform the same voyage which was executed by the "Inflexible" with the "Claudine" in tow in four and a half days. These simple facts will suffice to prove what serious detentions sailing vessels may be subject to in the Bay of Bengal during the north-east monsoon.

The Duke of Newcastle directed the attention of government to the injurious effects of a further subdivision of authority with the Court of Directors and the Board of Control in the movement of her Majesty's troops to India, his grace declaring that his experience had satisfied him that all power ought to be concentrated in one person, and that person the Minister for War. The evident injury to the public service of throwing this duty upon the East India Company will be evident, when it is remembered that by such act we sacrifice our chief advantage, for which we have been paying millions in subsidies to our great steam companies; for if this operation had been undertaken by the home government, they could, by the terms of the postal contracts, command at a fair market value the services of every steamer in the employ of those companies, or select from their fleets the vessels best suited

for the service; it would then be only those not running under contract for which it would be necessary to advertise. The Minister for War should, therefore, not merely have undertaken to supply the troops, but also to land them at the several ports in India.

Sir De Lacy Evans recommended the government to divert the force of gunboats, sixteen in number, and which had touched at Rio de Janeiro, on their way to China, for service on the Indian rivers; but the gallant general is evidently unaware of the fact, that they draw from seven to seven and a half feet water, and are therefore totally unfitted for the Indian rivers, which require vessels of from two to three feet draught. This unnecessary draught has rendered them of small service in China, as may be seen by perusal of the letter of the "Times'" correspondent, who points out the more general efficiency of an old paddle-wheel steamer called the "Coromandel," which had been purchased into her Majesty's service. It is impossible to inspect a military chart of India without observing that nearly every place of importance, especially in Bengal, is situated on the banks of one of the great rivers. Therefore an effective mode of river transit is the quickest and most efficient manner of strengthening our position in that country; for with such auxiliary aid a small force will be far more effective than a larger one, deficient in the means of rapid internal communication.—I am, &c.

JOHN COCHRANE ROSEASON,  
COMMANDER, R.N.



## LETTER III.

TRANSPORT OF TROOPS TO INDIA *VIA* THE ISTHMUS OF  
SUEZ.

THERE was a suggestion made by Sir De Lacy Evans in the House of Commons for the more rapid transit of troops to India, which I did not touch upon in my last letter. I allude to the proposition that we should avail ourselves of the route *viâ* the Isthmus of Suez. Whatever advantages this line may possess, it is still open to some objections, the chief of which is, that we can never avail ourselves of it but by sufferance. It is natural that the Pacha of Egypt should be disinclined to throw open the route, all rulers being averse to grant permission for foreign troops to traverse their territories. That concession, obtained for the transit of a cavalry regiment from India, when acting as allies of the Sultan, during the war with Russia, must be deemed an exceptional case, and cannot be taken as a precedent. In this light the noble lord at the head of the government appears also to have regarded the question from the nature of his latest communications to the House of Commons, for the route itself could scarcely be objected to at such a moment on the sole ground of expenditure. It will, therefore, be well to analyse the importance of this route *viâ* Suez to India, apart from any consideration of political difficulties.

In Wise's "Analysis of 100 Voyages to and from

India and China," it is stated that the distance passed over by a sailing vessel, in the voyage *viâ* the Cape of Good Hope to Bombay, is 13,000, and to Calcutta by the same route 14,000 miles. The steam route as proposed by me—*viâ* Sierra Leone, the Cape of Good Hope, and the Mauritius to Calcutta—is shown to be 11,578 miles, capable of being accomplished with suitable steamers in forty-three days.

The following are the distances *viâ* Suez to Bombay and Calcutta: —

|                                                              | Miles. |
|--------------------------------------------------------------|--------|
| Southampton to Gibraltar . . . .                             | 1151   |
| Gibraltar to Malta . . . .                                   | 981    |
| Malta to Alexandria . . . .                                  | 819    |
| Alexandria to Suez . . . .                                   | 238    |
| Suez to Bombay, <i>viâ</i> Aden . . . .                      | 2,972  |
| Suez to Calcutta, <i>viâ</i> Aden and Point de Galle . . . . | 4,757  |

Therefore the total distance from England to Bombay *viâ* Suez is 6,161, and to Calcutta 7,946 miles. If troops be removed from Gibraltar or Malta to India, these distances will be respectively shortened 1,151 and 2,132 miles. Nothing, however, can be more erroneous than the consideration of the mere geographical distances between any two places, as four-fifths of the steamers constructed in England cannot make a direct course from port to port, especially in navigating the India and China Seas. Any vessel can run before a monsoon and make a good voyage, more particularly when aided by a current varying from thirty to eighty miles a day; but it is very different when the same vessel has to make the voyage in the teeth of the monsoon, and against such powerful adverse current. Whilst at Bombay, I observed that no steamer employed in the conveyance of the mails, ever made a direct course to Aden during the full strength of the south-western

monsoon, but stood away to the southward under steam and sail, and ultimately worked up to Aden. Captain Wilcox left Trincomalee on the 25th Sept. 1848, for Colombo, during the south-west monsoon, in command of her Majesty's steamer "Fury," the speed of the vessel in smooth water being about 260 miles a day. On his return, Captain Wilcox informed me that he had been very nearly obliged to put back, as the south-west monsoon blew with such force, and he encountered so heavy a sea, that the speed of the vessel through the water was reduced to 100 miles in twenty-four hours, whilst the observations proved that there had been an adverse current during the same period of eighty-four miles; thus the maximum speed of 260 miles a day was reduced by adverse wind and heavy sea to 100, and further reduced by a current of eighty-four miles to sixteen, the steamer only making good sixteen miles in twenty-four hours, whilst consuming forty or fifty tons of fuel. Two points, therefore, must ever be kept in view — the efficiency of the steamer, and the direction and force of the monsoon, with its consequent currents. Sailing vessels often take six weeks to go from Trincomalee to Colombo, in the south-west monsoon, and an equal time to go from Colombo to Trincomalee in the north-east monsoon, in consequence of the great circuit required to be taken to avoid the adverse winds and consequent strong currents. Either passage, however, with the monsoon in its favour, is accomplished in a few hours. The south-west monsoon, or rainy season, commences in April and ends in September; the north-east monsoon commences in October and ends in March. These periodical winds, steadily blowing in one direction for six months in the year, entirely influence the currents, which are more or less strong in different periods of the monsoons. I have

myself found them to vary from thirteen to eighty-four miles a day, and for three consecutive days have encountered a current running at the rate of seventy-two miles. Such well-known truths ought long since to have satisfied the Board of Admiralty of the necessity of placing on an efficient footing every coaling establishment in the Indian and China Seas. Had proper measures been taken, even to provide for the war in Persia and China, we should have found no difficulty on the present emergency in moving any amount of troops by steam. It seems really astonishing that war-like operations could have been undertaken against such distant countries without any provision having been made for establishing efficient and rapid means of communication with the mother-country. There are just grounds for believing that the route *viâ* Suez has been as ill provided with fuel as that *viâ* the Cape of Good Hope, or as the coaling stations on the Mediterranean were on the declaration of the war with Russia. Before embarking in the war with Persia, arrangements could readily have been effected with the Directors of the Peninsular and Oriental Company, to have at their coaling stations an ample supply to meet any extraordinary demands, their boats and staff being at the disposal of the government, and thus every objection to the cost of establishing such depôts would be avoided. Those who have so sadly neglected to provide for the eventualities of the last, as well as of the present war, have pointed to the sacrifice of public money, in the interest of capital that would be sunk in the establishment of these depôts; but does not this argument hold good against every preparation for war during the time of peace? Why not then have saved the whole of the money expended, since 1842, on the naval service, viz., 133,000,000*l.*, and the 10,000,000*l.*

expended on subsidies to the mercantile steam marine? How can the advocates of this ill-judged economy defend the construction of our vast naval building establishments, together with the steam factories? What is to be said for the loss of money in the arsenal at Woolwich, the manufactory of arms at Enfield, the powder mills at Waltham, and the victualling establishments at Deptford, Portsmouth, and Plymouth? The late Sir Robert Oliver, Commodore of the Indian navy, was proud of exhibiting his justly valued store of 40,000 tons of coal at Bombay, calling them his black diamonds, which would one day or other be the saving of India; a fact which proves him to have been far more clear-sighted and efficient, from his practical knowledge, than those statesmen who, placed upon the vantage ground of political information and influence, yet failed to discern the danger, or to provide for the coming storm. Can this nation expect other than disasters when such lamentable mismanagement is still perpetuated? During the examination of the late First Lord of the Admiralty before the Committee of the House of Commons, Lord Seymour asked if the shortcomings of the Transport Service during the war with Russia, had ever been brought under the notice of the Admiralty. The reply was, "Not officially, certainly, by any naval and military authority." What Sir James Graham intended the committee to understand, the public, without doubt, would even now be glad to learn. The reply itself is no answer to the question, although consistent with the right honourable baronet's entire evidence. All parties will, I trust, agree with me in the necessity of demanding the exhibition of a little more public spirit, when a First Lord of the Admiralty can be heard to declare, that amidst all the notorious confusion and mismanagement at the Bosphorus, he

had received no official intelligence relative to these distressing matters from any naval officer.

The mutiny in India broke out on the 10th of May, and the news reached England by telegraph on the 27th of June. Every hour was vitally important, for the south-west or favourable monsoon commencing in April is in full force in June and July, and terminates at the end of September. In the published tables of the outward voyages of the Peninsular and Oriental Steam Company's vessels, forty-one days or 984 hours are allowed for the voyage from Southampton to Calcutta, inclusive of stoppages. We may therefore reckon the voyage to be accomplished at the rate of eight nautical miles an hour. The last steamer, if leaving Calcutta on the 23rd of July, and arriving at Southampton on the 4th of September, must have taken forty-three days to perform the voyage, in the height of the south-west monsoon. It is important to bear in mind that this is the route that troops must take, for we are so accustomed to telegraphic messages *viâ* Sardinia, Trieste, and Marseilles, that we often fail to remember the time taken by the heavy mails and passengers following the sea route. In a City article of the "Times," it is stated that a proposal has been made to the East India House by the European and American Steam Company, to open this line of communication, and that the voyage to Bombay is expected to occupy nearly forty-five days. I have shown that the distance from Southampton to Bombay is only 6,161 miles, therefore it is clear that the voyage can only be computed to be performed against the north-east monsoon at the rate of  $5\frac{7}{10}$  nautical miles an hour, stoppages included, which, considering the vessels are auxiliary screw steamers, may be a correct computation. I have demonstrated that the route *viâ* Sierra Leone, the Cape, and the Mauritius, by the best

of the Cunard and Royal West India mail steamers, can be accomplished in forty-three days to Calcutta, without any transshipment, and consequently at less cost. To those not thoroughly conversant with steam navigation it is as well again to remark, that there are other and very important elements necessary to be taken into consideration, apart from mere geographical distance; for these two lines of communication stand in the ratio of about six to eleven thousand miles, and yet from the superiority of the line, the avoidance of transshipment, and the efficiency of the steamers, the longer voyage may be performed in less time than the shorter. In a general point of view there is no question as to which route ought to be efficiently organised, for the Cape line will strengthen our military hold over all our colonial possessions in those seas.

Propositions were made by Admiral Sir Charles Napier and others, for the transport of the troops by screw line-of-battle ships. There are, however, many important objections to the use of such vessels for this service. A war in Europe might occur during their absence, and it would not be a prudent act to despatch line-of-battle ships to so distant a station, with reduced complements. The large number of vessels required would also be another objection; while the crews needed for them would be taken from the strength of the naval service, instead of, by the hire of transports, gaining, in this emergency, an effective body of men and officers from the merchant service, to strengthen our position at Calcutta. The parliamentary abstract of the transport service during the late war with Russia, shows that 9,256 men formed the crews of the 217 steam and sailing vessels. If one-half this number be engaged in the transport of troops and stores to Calcutta, we shall have an accession of strength of 4,623 men, all well

armed, and capable of acting in conjunction with our navy and army, in securing the base of our operations in Bengal.

The country, however, will naturally ask how it should so happen that our costly and powerful steam navy should again be found wanting in the hour of need. Where is that admirable organisation that was to serve to correct for the future all the errors of the late war? To what purpose has the coast guard been taken from the civil service, and placed under the Admiralty, if no naval squadron can be despatched from these shores for the relief of India before the middle of September? Why, on the 27th of June, the day that the intelligence of our disasters reached this country, were not five screw line-of-battle ships of small draught ordered for instant service in India? Why were not their crews increased by drafts to 1,000 or 1,200 men? And why was it not announced in parliament the same evening that the naval commanders-in-chief at the several ports had already received instructions to see that efficient men were selected for these increased complements — the ships stored and provisioned — three months' pay in advance given to the crews; — that four powerful steamers selected by the Admiralty from the contract packet service were fully prepared to tow the line-of-battle ships well out to sea — and that all should be in readiness to leave England at the latest by the 3rd of July? By such energetic measures, 5,000 seamen, efficient in every species of arm, would have reached Calcutta ere the north-east monsoon set in. These vessels of small draught would have arrived there when the Hooghly was swollen by the rains that had fallen during the south-west monsoon, a time the most favourable for taking up a position before that city. Their corps of marine engineers and ships' carpenters would



have added great strength to the small naval arsenal at Calcutta; and during the voyage the men could have been effectively organised into regiments, and refreshed in their knowledge of field ordnance. The moral effect of the appearance of these five line-of-battle ships, in order of battle, before Calcutta would have been immense. They would at once have set free one-half, if not the whole, of the regiments detained as necessary to secure Calcutta as the base of our operations; and the first review of such force, in heavy marching order, complete in field guns and rocket brigade, upon the esplanade in Calcutta would entitle them, without a doubt, to be considered meet companions in arms for those splendid soldiers who have ever worn on their breasts in the field of battle, with honour to themselves and advantage to their country, the motto, "Per mare, per terram."

JOHN COCHRANE ROSEASON,  
COMMANDER, R.N.

## LETTER IV.

## WHERE IS THE VAST NAVY OF GREAT BRITAIN.

I HAVE already, in previous letters, compared the merits of the several routes to India, *viâ* the Cape of Good Hope, and *viâ* the Isthmus of Suez, and have shown the enormous sacrifice of time and money in the transport of troops to the East, consequent on the utter neglect of the establishment on both these lines of efficient coaling stations. It is to the Admiralty alone that the country looks for the organisation of such stations; for Parliament, on the application of that board, has readily voted millions annually to ensure the perfection of our naval and mercantile steam marine, and this with the understanding that, in an emergency like the present, the resources of this great empire should be rapidly and efficiently developed. Sir Charles Wood and Mr. Bernal Osborne cannot, therefore, escape the responsibility attached to that high office, on the ground that as the East India Company are expected to defray the charge of the conveyance of our troops to the East, the failure of the rapid transport of these reinforcements must rest with them. The country is sensible that the East India Company will be unable to meet these heavy charges; but even were it not so, by the constitution of the Indian government as subordinate to the Board of Control, it is the home government alone which is directly responsible for the efficiency and the economy of every military measure.

Sir Charles may vainly labour to free himself from such responsibility ; but Englishmen will judge for themselves, and when the honour of their country is so deeply involved, and when the life-blood of their countrymen and of their countrywomen is at stake, they will never rest contented with the mere sophistries of a schoolman.

Mr. Bernal Osborne has been kind enough to inform us, in his speech at Dover — although, as he states, without official authority — that the nation will be called upon to pay heavily for the means necessary to retain India. This is what every individual capable of comprehending our position must have anticipated. We could not be made to understand how the East India Company could defray these enormous charges out of their plundered exchequers ; nor could we fail to perceive that a long time must necessarily ensue ere the machinery for collecting the revenue would again be placed on an efficient footing. We knew that public confidence was entirely destroyed between the governors and the governed, — that an enormous amount of public and private property had been destroyed, — and consequently the resources from which a revenue could be derived, materially impaired.

The East India Company have enough to answer for without the shortcomings of the Ocean Navigation being also thrust upon them. Their neglect of the internal navigation of the immense Indian rivers has been followed by sufficiently lamentable consequences. With one of the finest internal means of water communication in the world, they have incomprehensibly neglected to hold out the necessary inducements to capitalists at home to develop these resources, and, consequently, have most unfortunately endangered the lives of both military and civilians, together with their

families, over a vast extent of country, without securing to them any means of either advance or retreat. To duly appreciate the extent of this vital error on the part of the East India Company, a military map of India ought to be in the hands of every Englishman. He would then be enabled to observe, on tracing the course of the Ganges, the Jumna, the Goomty, and the Gogra rivers, that every city, town, or military post of Bengal is either on the banks, or within a few miles of these natural sources of communication. The genius of all conquerors or invaders of India fully estimated the value of such means of transit. But it has been reserved for the inmates of Leadenhall Street, with all these advantages urged upon them, and with so powerful an auxiliary as steam at their command, resolutely to neglect them.

There are no means by which the military power of a nation can be more efficiently developed than by a rapid mode of transit. It was an axiom with the great Napoleon, and one which he laboured to enforce upon all his generals, that the tide of war would invariably turn in favour of the nation which should concentrate on any given point, and in the least possible time, the largest available force. He hardly reckoned for success in any great measure on his own superior military talent, but invariably endeavoured to unite a force superior to that of his enemy on the most vital point of attack; and to effect this one great object he immediately stayed other military operations of minor importance, conscious of his power to resume them with greater advantage when, by a decisive blow, he had crushed any effort of an opponent which, if successful, would materially have affected his own security.

The absurdity of our continuing our puerile operations against China, when the safety of our Indian

occupy time in explaining and endeavouring to make him comprehend, which, nevertheless, cannot be always sufficiently effected."

Were it not for the disastrous consequences that have flowed, and which continue to flow, from such constitution of the Board of Admiralty, we should laugh at this interesting disclosure of the working of the system, as detailed to us by the gallant Admiral. The injurious effects, however, of the political constitution of the board do not rest here, for the naval officers who have lately held the most responsible posts under the civil chief, have notoriously been selected more for their political influence than for their professional talent, and have demonstrated in our late emergencies an utter incapacity to grapple with the difficulties of their position.

We are now once more crying for "Men — men — men." All our warlike operations are likely to be impeded for a want which positively does not exist. Men *can* be obtained, and in abundance, if only the standard of recruits be at once sufficiently lowered, and a liberal bounty given to both army and navy, but especially the latter. Let the nation but remember that the war expenditure between the years 1801 and 1815 was, in round numbers, 46,000,000*l.* for each year; and that for the years 1813 and 1814 the annual demand for the navy, army, and ordnance estimates exceeded 71,000,000*l.*; and for the year 1855, in the late war with Russia, 48,000,000*l.*; whilst we are informed, on the authority of Mr. F. Peel, the late Under Secretary of War, that the cost of each soldier for the year is only 30*l.*: therefore the charge for the maintenance of every 1000 men will be 30,000*l.*, and that of 100,000 men 3,000,000*l.* A bounty in addition of even 10*l.* a head to 100,000 men, would only add

1,000,000*l.* to the immediate demand upon the public purse. But if that sum be divided, as it ought to be, over the entire length of the service of the sailor or soldier, the annual charge would be but a fraction of that sum; and yet, with these facts so evidently apparent, our operations have been, and are likely to be, paralysed, because the leading members of the Board of Admiralty appear to be ignorant or regardless of the force of figures, or utterly incapable of applying them to any practical purpose.

It is a pitiable policy to put the nation to an enormous expense in the construction of great military establishments, and for the purchase of an immense amount of munitions of war, and yet demur to the fractional outlay necessary to secure the services of the sailor and soldier, at the very moment when their services are required to utilise the whole.

The standard height for the men ought always to be sufficiently lowered, and an adequate bounty given at the very commencement of a war; and the standard height be raised, and the bounty decreased, if found to be advisable, when the full force required has been completed. For, as I have heretofore stated while criticising our operations during the late war with Russia, "it is not so much the height as the *efficiency* of our sailors and soldiers that ought to have been considered. When large bodies of men have to operate together, their general effective organisation and thorough knowledge of the use of their arms ought to be the primary consideration." We know that the longer the men are together, the more efficient will be the organisation; and the larger the force brought into the field against an enemy, the greater will be the saving of life in battle. Humanity, economy, and policy point to an early development of all our resources; for apart from the mere annual cost of

the war, we have to add the injury inflicted upon the country consequent on the paralysation of its commerce.

A commercial nation like England, possessed of an enormous mercantile marine, ought to seek to combine the services of the army and navy in close contiguity, and we should not for an instant permit any foolish prejudices to prevent the direction of their combined efforts to one common object. By reference to the official statistical abstract of 1856, we learn that the number of seamen employed in the home and foreign trade, exclusive of river steamers, amounted to 173,918 men, to which has to be added those employed in the fisheries. In the statistical tables published by Mr. W. F. Spackman, in 1843, he sums up these under the head of "Resources of the Royal Navy for seamen in case of necessity:"

|                                                                                    |         |
|------------------------------------------------------------------------------------|---------|
| Number employed in the merchant service . . . . .                                  | 210,198 |
| Number employed in the herring, salmon, and other coast fisheries, about . . . . . | 220,000 |
| Total number of men whose occupation is the sea . . . . .                          | 430,198 |

To which we have to add some 30,000 or 40,000 Englishmen generally engaged in the American men-of-war and merchant service.

As the establishment of the "Excellent" gunnery system for musket, great gun, field gun, &c. &c., has for twenty-five years been in effective operation, there is no class of men who are so generally inured to the profession of arms as the seamen of this country,—thus constituting the most gigantic and complete corps of artillery in the world, ready made to our hand, to act in concert with our soldiers in any quarter of the globe. There is no country where their services could be more efficiently rendered than in India, in the navigation of the rivers, and in the occupation and defence of the im-

portant towns which are almost invariably situated on their banks. But the same unhappy infatuation still prevails, and we again owe it to those who paralysed our efforts in the late war with Russia, that thousands of our seamen are not at this moment rendering effective service in India. It was to the individual act of the Commander-in-Chief in the Black Sea that we owed the existence of the highly efficient Naval Brigade in the Crimea. To the individual act of Lord Elgin we now owe the existence of the small but effective naval force upon the Ganges.

JOHN COCHRANE HOSEASON,  
COMMANDER, R.N.



## LETTER V.

## WHY ARE THE RIVERS OF INDIA NOT NAVIGATED?

As Sir De Lacy Evans has moved for and obtained Lord Palmerston's consent to an inquiry into the transport of troops to India, we shall, shortly after the meeting of Parliament, have a committee of the House of Commons to investigate this all-important question. It is to be hoped, however, that the gallant general will perceive the necessity of extending the field of inquiry; for it is of little moment that we should organise a more effective and rapid means of ocean communication with our extensive settlements in the East, if at the same time we neglect effectually the vast river navigation of India.

Parliament and the public have freely discussed the question as to how India is to be defended for the future, and the amount of European and native troops necessary for this service; but no one party has attempted to show how greatly our hold over that country will be consolidated, in a military point of view, by a rapid development of these natural channels of communication. Had a nation of barbarians held India for this last century, in the place of the Honourable East India Company, they could hardly have done less to develop these 10,000 miles of river navigation. All our efforts on the spot to reconquer the country have been paralysed, and the best and bravest of our land have been cruelly sacrificed, because the authorities

have not opened, nor do they seem even now desirous to open, these beautiful and natural highways to steam.

What advantage will accrue to this country, from the vast amount to be paid for the hire of steam transports, when we learn from the correspondent of a morning contemporary, writing from Calcutta so late as November the 11th, that "the means of carriage, the great want of Government, do not improve; the six little steamers, with locomotives for engines, are ready, but they can tow nothing; if they can get themselves to Allahabad the feat will not be a slight one. The two dozen little river steamers I mentioned a month ago would be simply invaluable. It takes just a month to get 3,000 men to Allahabad; the troops, consequently, drop into the north-west by dribblets, and we are not yet strong enough to strike those terrible blows which, by appealing to the imagination, crush ten rebels for every one slain." Again the same correspondent writes:—"Sir C. Campbell has demanded orders to hold or leave Lucknow. He wants reinforcements bitterly; the Sepoys, swarming in the city, are fighting as desperate Asiatics always fight. Where are the reinforcements to come from? Ten thousand men have arrived at Calcutta in the past fortnight, but there are no means of carriage." Here is a fruitful source for inquiry—What are the reasons that such a state of things is suffered to exist? I am sensible that the ocean navigation by steam to Calcutta can be steadily and regularly performed in less than one-half of the time lately taken on the average by the steamers despatched from England, but I feel certain that still greater comparative results will be realised by an efficient development of the internal means of transport. The reiterated reports of this defective means of transport might have prepared the nation for the reverse of

General Windham. Providence will not at all times help these who shamefully neglect means for their own preservation. The position of the Gwalior Contingent was one which no military man could have regarded without feelings of intense anxiety, when he learned that Sir C. Campbell was forced to concentrate nearly all his available force for the relief of Lucknow; and with 10,000 men at Calcutta, and Cawnpore on the banks of the Ganges, we had no effective flotilla on the river capable of transporting the necessary aid at such an important crisis. It is true that the Commander-in-Chief, Sir C. Campbell, did, on December 6th, totally defeat the same Gwalior Contingent. But what would have been the effect all over India had he not so done? A glance at the map will at once show what an important position Cawnpore is to hold in force; and yet, by the latest accounts from thence we learn—"The Commander-in-Chief is most anxious to get us up together. This Trunk-road is a curious scene; 250 men pass up daily by bullock, horse, and coolie dâk. Not a parcel can be got up from Calcutta by this route."

What a deplorable state of affairs! Let us abstain from further reflections on the want of ability displayed in the transport of men and materials during the Crimean campaign, when we have such facts as these on record. Faulty as were our arrangements then, we never appeared in so ridiculous a light as now; and this takes place in a country which we were so often told was equal to gigantic military operations. We now see the measure of the resources of that empire, eight months subsequent to the revolt; and yet so fertile are the districts which form the scene of operations that a commissariat can experience no difficulty in provisioning an army.

The Board of Control and Court of Directors have, however, placed an effectual drag-chain on all the most rapid means of opening up the country. For these last eight or ten years they have been projecting railroad schemes in India, which will not be perfected in a hundred years, in a country so utterly destitute of good cross roads and internal means of water communication. Messrs. Allen and Co. have just published a new map of these routes for India. I commend it to the attention of Sir De Lacy Evans and the members of his Committee. Nothing can be more amusingly instructive than an inspection of this well-executed work. We are informed that *red* denotes the finished railways, and we are nearly at a loss to discover where the colour *red* is to be found, in a map as numerous intersected as "Bradshaw's Railway Guide" with "sanctioned" railways. Yet all of these are guaranteed lines, receive five per cent. out of the revenues of India, although they may take centuries in their completion—a happy arrangement to reflect upon, with a rapidly-falling money market!

If I am rightly informed, the noble lord at the head of the government at Madras, is not well satisfied that the revenues of India should thus be taken to subsidise these stagnant companies. It ought to be remembered that every mile of railroad requires about 100 tons of dead weight in the shape of permanent way to be carried to the front; so that to complete 500 miles, 50,000 tons must be transported, in a country destitute of good cross roads, and without the means of cheap internal water transit.

It has been stated above that the government of India could only transport 250 men a day from Calcutta to Allahabad even under the late more perfect organisation: 250 a day is 7,500 a month, and, allowing

10 men to the ton, we have the astounding fact that 750 tons weight of soldiers is all that can be conveyed over the Grand Trunk-road of India in one entire month !

Mr. Mangles, the present chairman of the Court of Directors, is reported to have stated, in 1848, that of 300,000,000*l.* of money received from the natives of India, only 1,400,000*l.* has been expended in roads and public works. We are now ten years older, and it was to be hoped wiser men, yet what has been done towards opening up this magnificent country? To any individual blessed with the smallest amount of practical knowledge, it would appear evident that in a vast empire like India, intersected with rivers, and with nearly every city and town of importance situated on their banks, the perfection of such river navigation ought to be the *primary* consideration. It is the rapidity and economy with which such operations can be executed ~~that ought to commend them to any government~~ sincere in its endeavour to open up such extensive territories. Yet in the midst of the confusion consequent on the neglect during peace to encourage every enterprise of this nature, I was not a little astonished, on lately visiting a celebrated steam-factory at Glasgow, to find that firm constructing for the East India Company engines for screw-gunboats which would require eight feet draught of water. Except during the freshes of the rainy season, no river in India has a greater depth than four feet, and to navigate effectually the majority of these rivers the vessels ought not to draw more than two feet water.

No possible reason can be assigned for the sacrifice of time and money in the construction of these vessels, for it is notorious that the Admiralty have had at command, ever since the conclusion of the late Russian war, a large number of similar vessels ready for sea, and which could ~~have~~ been despatched at a moment's notice to India, had

it been possible to suggest any reasonable means of employment for them in that country.

The film has now fallen from the eyes of the public. Popular notions are by each succeeding mail blown to the winds. India is not that well-governed country that interested parties were desirous to lead us to believe. How, in the name of common sense, could it be expected to be so, when its rulers have been exclusive, and ever jealous of the intrusion of the skill and enterprise of their fellow-countrymen? As the East India Company found India, so are they likely to leave it. They have become possessed of the land without in any way improving the estate. But a great day is on the eve of dawning upon that country. India must be rapidly opened up and colonised. If men can spend a long life in India, like that distinguished officer Sir H. Havelock, for the benefit of the state, surely they can spend an equally long life in the same latitudes in the honest accumulation of wealth; in the introduction of a more perfect cultivation of the soil; in the construction of roads; and in the navigation of the great rivers.

But a military colonisation must be introduced simultaneously with the encouragement of the general public. We have now plenty of estates to confiscate. Why not form one colony at Bithoor, on the property of that miscreant Nana Sahib? The late curtailment of the period of the service of the soldier from twenty-one to ten years will greatly facilitate a system that has worked well in New Zealand and at the Cape of Good Hope. The soldier who enters the army at eighteen can now demand his discharge at twenty-eight, just as he attains the prime and strength of manhood. Then locate him in India, if deserving, with a good grant of land. Labour is cheap enough in that country to enable him to cultivate with profit the ground he has received as a grant. Settlements of this nature might be formed

all over our territories, in the most healthy positions, and thus the cost of the return voyage of the soldier would be saved to the state, and the future tranquillity of the country inexpensively secured.

It may, no doubt, be objected to any scheme of permanent colonisation that the climate of India is not suited to the British constitution, and that the race would degenerate both physically and mentally in the course of years. But, although this objection may be justly applicable to certain parts of India, it is not applicable universally, for in India there are all kinds of climates, and that which is most congenial to the English constitution can easily be selected. The whole range of the Himalaya affords a fitting field for the successful introduction of the English race; and in the cultivation of tea, coffee, and other similar products for which this region is well adapted, remunerative employment for an English population may be found. There is, moreover, the rearing of sheep, ~~Cashmere~~ goats, and other animals, which will probably be found a profitable occupation; and there is every reason to believe that the range of the Himalaya is rich in minerals, especially in copper and gold. An English population established here would overawe the whole of India, and thus obviate future mutinies and revolutions. It would also secure that country against the hostilities or machinations which might be directed against it by Russia; and, in the bracing atmosphere of this elevated region, the Anglo-Saxon race would preserve its vigour and all its best attributes unimpaired.

JOHN COCHRANE HOSEASON,  
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